THE ISLAND REGULATORY AND APPEALS COMMISSION

APPEALS

UTILITIES

RENT

ANNUAL REPORT 2000-01

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Island Regulatory & Appeals Commission Report

For the Year Ending 31 March 2001

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To:
The Honourable Jeffery Lantz
Minister of Education
Province of Prince Edward Island

Sir:
The Island Regulatory and Appeals Commission has the honour to present its Annual Report for the year ended March 31, 2001.

Respectfully submitted,

Wayne D. Cheverie, Q.C.
Chair

Administration Report

Commission Personnel
(as of March 31, 2001)

Full-time Commissioners:

Chair and Chief Executive Officer	- Wayne D. Cheverie, Q.C.
Vice-Chair	- Stirling (Ginger) Breedon
Commissioner	- Maurice Rodgerson

Part-time Commissioners:

- James Carragher
- Norman Gallant
- Arthur Hudson
- Kathy Kennedy
- Anne Petley

Staff Positions

Corporate Services:

Director, Corporate Services	- Eileen Callaghan
Commission Administrator	- Diane Gaudet
Receptionists	- Kay Ross (Morning)
	- Ella Adams (Afternoon)

Land Division:

Director	- Vacant
Senior Land Officer	- Sandy Foy
Land Officer	- Philip Rafuse
Secretary	- Barbara Molinaro

Office of the Director of Residential Rental Property:

Director	- Twila Whalen
Rental Officer	- Shayne Hogan
Rental Officer	- John Keizer
Secretary	- Kay Driscoll

Technical and Regulatory Services Division:

Director	- Donald G. Sutherland
Assistant Director, Petroleum	- Harry MacDonald
Research Analyst	- Heather Walker
Systems Specialist	- Daniel Arsenault
Technical Assistant	- Donna Chandler
Secretary	- Faye Weeks

Introduction

The Island Regulatory and Appeals Commission is established by the *Island Regulatory and Appeals Commission Act*, R.S.P.E.I. 1988 Cap. I-11.

The principal *Acts* under the administration of the Commission are:

Lands Protection Act

Rental of Residential Property Act

Petroleum Products Act

Electric Power and Telephone Act

Water and Sewerage Act

Maritime Electric Company Limited Regulation Act

In addition to administering these *Acts*, the Commission's responsibilities include appellate responsibilities under the *Planning Act*, the *Unsightly Property Act*, the *Revenue Administration Act* (appeals on taxation under the *Gasoline Tax Act*, the *Health Tax Act*, the *Revenue Tax Act*, and the *Environment Tax Act*), the *Real Property Assessment Act*, the *Real Property Tax Act*, the *Roads Act* and the *Heritage Places Protection Act*. The Commission has responsibility under the *Municipalities Act* for conducting public hearings and making recommendations to the Minister on municipal boundary extension applications. The Commission also issues permits for the movement of buildings.

Chair's Comments

The Commission has experienced significant personnel and structural changes since the last time I reported on our various activities. I will address those changes later in my remarks. However, at the outset, let me say that the work of the Commission remains constant with staff continuing to function at a very high professional level in carrying out the various mandates of the Commission. This professionalism, in turn, supports the Commission in fulfilling its public service for its clients and the people of Prince Edward Island. The level of work and professionalism are exhibited in some detail in the pages that follow. What is very clear however is that the Commission continues to strive for new and innovative ways to deliver its mandated services in the highly technical and electronic environment in which we live.

While there have been some structural changes at the Commission during the last year, our overall administration is still lead by the Corporate Services Division. This Division is charged with the important responsibility of ensuring the proper support for the day to day operations of the Commission. Without capable professional leadership in this Division, the other service delivery divisions would simply not be able to function at a high level. All of the Commission extend thanks to those in the Corporate Services Division for their ongoing guidance.

During the past year, the Land Division continued to carry out its mandate in dealing with a variety of statutes. The staff of the Division performed their work in an exemplary fashion notwithstanding the loss of the leadership of the Director of the Division, Mr. Chris Jones, who was granted a secondment to the Government of Prince Edward Island for part of the past year. As of March 31, 2001, Mr. Jones is still on secondment, but we have reason to believe that he will not be returning to the Commission but rather will continue in his present employment with the Government of Prince Edward Island. It should be noted that this Division continues to utilize the latest in technology to further assist its clients. In particular, all forms prescribed pursuant to the *Lands Protection Act* have been placed online at our website for the convenience of applicants. In addition, those involved with *Lands Protection Act* applications can now track the progress of their applications using our website.

As well, an interesting piece of work was completed during this year by the Land Division at the request of Executive Council. The *Report on Trends in Non-Resident Land Ownership 1994 to 2000* was completed in March 2001. The report concluded that the amount of non-resident owned land (by acreage) in the Province decreased from 10% to 9% between 1994 and 2000. However, it also noted that there were several areas with high levels of non-resident owned land and these areas were identified in the report. The Commission, through its Land Division, has now committed itself to researching and reporting on non-resident ownership activity in future years as this information is key to public policy debate and decision making.

As in the past, the Residential Rental Property Division continues to be very active. In fact, Table 3, which follows the Report of that Division, clearly shows that the number of inquiries has increased significantly this year, up approximately 8% over the level of 1999-2000. Such inquiries are time consuming, as staff attempt to mediate disputes before they become more formal in nature. This being the case, there can be no doubt but that the general population who seek assistance from the Rental Division are well served by its Director, Officers and Staff who must deal with the large volume of traffic generated by the *Rental of Residential Property Act*. Many of the problems and issues faced on a daily basis by the staff in this Division are of a highly personal nature and, by that nature, may be emotionally charged. The Commission is proud of the professional manner in which our staff deal with these frequently difficult situations.

The Technical and Regulatory Services Division has included in its section of this report a wealth of information through various figures, graphs and tables. One area of responsibility here, namely, the regulation of petroleum pricing, always seems to attract significant interest from year to year. This past year is no different. Even though Islanders saw prices at the pumps increase during the course of the year and then reduce somewhat toward the end of the current year, information emanating from this Division clearly shows that of the four Atlantic capital cities, Charlottetown still enjoyed lower prices overall during the surveyed period. As has been said so often in the past, this information for the reporting period does not mean that prices in a regulated environment are necessarily lower than in an unregulated environment, but rather that regulation reduces the fluctuation of peaks and valleys that might otherwise occur in an unregulated area. As well, the level and mode of taxation in various jurisdictions also has a significant impact on the ultimate price at the pumps. Nevertheless, I believe Islanders continue to be well served by the regulatory regime established by the *Petroleum Products Act*.

Within the Commission's mandate under the *Maritime Electric Company, Limited Regulation Act*, a hearing was commenced into the increase in power rates announced by Maritime Electric Company, Limited effective January 1, 2001 in the amount of 4.53%. As at the end of the period covered by this report, the hearing had just commenced, and the full depth of the issues before the Commission have yet to be fully canvassed in the evidence. Many other areas of responsibility conferred upon the Technical and Regulatory Services Division are fully detailed in the body of this report and reflect the highly knowledgeable and professional work of the members of this Division.

As I stated at the outset of my remarks, significant changes have taken place at the Commission during this reporting period involving a combination of personnel and structure. This past year saw the resignation, for personal reasons, of two of our part-time Commissioners, Mr. Weston Rose and Ms. Mary Burge. The term of Elizabeth MacDonald also expired during the past year. Each made a significant contribution to the work of the Commission through the various panels on which they sat on appeal and the other functions conferred upon them. I thank them for their service to the Commission and wish them well in their future endeavors. As a result of these resignations, two new part-time Commissioners have been appointed in the persons of Kathy Kennedy and Anne Petley. I welcome Commissioners Kennedy and Petley to the Commission and look forward to working with them in various capacities through the variety of legislative responsibilities within the Commission's mandate. I hope that both Commissioner Kennedy and Commissioner Petley will find their time to be interesting, informative, and productive as members of the Commission.

For the first time, the position of a third full-time Commissioner was filled with the appointment of Mr. Maurice (Moe) Rodgerson. Heretofore the Commission functioned with a full-time Chair and Vice-Chair, but the allowance in our enabling legislation for a third full-time Commissioner had never been filled. Mr. Rodgerson brings to the Commission an extensive background in public service and we welcome him. His background in and understanding of the Island community can only result in further enhancement of the operations of the Commission. I look forward to working with him in the years ahead as we deal with the assortment of issues that are presented to us through the legislation for which we are responsible.

Since our last Annual Report, the Land and Property Division has been re-titled as the Land Division. As pointed out earlier, the Director of the Division, Mr. Chris Jones, is presently on secondment with the

Government of Prince Edward Island. To date, this position has not been filled pending the outcome of Mr. Jones' secondment. However, the Commission did add a new staff person, Mr. Philip Rafuse, to a vacant Land Officer position in the Land Division. I welcome Mr. Rafuse to the Commission and look forward to his input and assistance on the wide range of responsibilities resident in this Division.

In another change, the Administration Division has been recast as the Corporate Services Division, but still under the capable directorship of Eileen Callaghan. A further change has seen the Office of the Director of Residential Rental Property replace the Rental Division, but with the same staff and mandate.

Much of this corporate reorganization was precipitated by the retirement of Mrs. H. Doris Pursey from the director position with the Commission's Petroleum Division. The Technical Services Division and the Petroleum Division were then combined into what now appears as the Technical and Regulatory Services Division under the Director, Donald G. Sutherland. This brings all regulatory functions into one Division. The Commission extends thanks to Mr. Sutherland for taking on the additional duties. Mr. Sutherland's response to this challenge is in keeping with the spirit of the Commission to make best use of its resources so that we can focus our energy on serving the public.

I have reserved my final comments for this year's Annual Report to address and recognize the significant contribution made to the Commission, its predecessors, and the public of this Province by Mrs. H. Doris Pursey. Doris joined the Public Utilities Commission of this Province on April 3, 1960, and then went on to contribute forty years of her life to various responsibilities flowing from that Commission. Most notable is the fact that for at least half of that term she served as Director of the Petroleum Division. During those years, Doris worked with a number of Chairs who in their own right were well respected public figures such as Judge C. St. Clair Trainor, Judge Alex W. Matheson, Judge Gilbert Gaudet, Judge Arthur H. Peake, Mr. William Brennan, Mr. Robert O'Rourke, and Madame Justice Linda Webber.

Over the course of her tenure with IRAC and its predecessors, Doris was involved with the regulation of Island Tel, electric utilities, the motor carrier industry as well as petroleum regulation. Although she assisted the Commission during the establishment of electric lines delivering power throughout the Province, and the transition from party lines to private telephone lines by Island Tel, perhaps her most significant contribution has been in the area of petroleum regulation. Doris made a significant contribution to the overall public life of this Province through her advice, counsel, and daily workings in the regulation of the petroleum industry. On behalf of all at the Commission, and indeed all Islanders, I want to take this opportunity to publicly thank Doris for her hard work and dedication spanning some forty years, and to wish her all the best and good health in her retirement.

In closing, I wish to once again thank all staff here at IRAC for their continued contributions to the public life of this Province through the carrying out of their various roles. As well, I continue to rely upon the advice and assistance of my Vice-Chair, Mr. Ginger Breedon, and look forward to our continued association throughout the next year as the work of IRAC continues.

Commentaires du Président

La Commission a connu des changements importants, du point de vue de son personnel et de sa structure, depuis mon dernier rapport au sujet de nos diverses activités. Je traiterai de ces changements plus loin. Je tiens cependant à préciser dès maintenant que le travail de la Commission demeure constant et que le niveau de professionnalisme de son personnel est toujours aussi élevé pour ce qui est de s'acquitter des différentes responsabilités de la Commission. Ce professionnalisme permet à la Commission de s'acquitter de sa responsabilité de fournir un service public à ses clients et à la population de l'Île-du-Prince-Édouard. Dans les pages qui suivent, je m'emploie à décrire de façon plus détaillée ce travail et ce professionnalisme. Il faut préciser, cependant, que la Commission continue de s'efforcer de trouver des façons nouvelles et novatrices d'offrir les services conformes à son mandat dans un univers maintenant hautement technique et informatisé.

Bien que la Commission ait connu certains changements structurels au cours de la dernière année, c'est encore la Corporate Services Division qui est à la tête de notre administration d'ensemble. Cette division assume l'importante responsabilité d'assurer un soutien pertinent aux activités quotidiennes de la Commission. Sans un leadership professionnel compétent dans cette division, les autres divisions de prestation de services ne pourraient tout simplement pas fonctionner à un niveau élevé. Les membres de l'ensemble de la Commission remercient le personnel de la Corporate Services Division pour les conseils qu'il prodigue de façon constante.

Au cours de l'année qui vient de s'écouler, la Land Division a continué de s'acquitter de sa responsabilité associée à divers textes de loi. Le personnel de la division a accompli son travail d'une manière exemplaire malgré la perte du leadership qu'assurait le directeur de la division, M. Chris Jones, détaché au gouvernement de l'Île-du-Prince-Édouard pour une partie de l'année passée. Au 31 mars 2001, M. Jones était toujours en détachement et nous avons de bonnes raisons de croire qu'il ne reviendra pas à la Commission, mais qu'il demeurera plutôt à son poste actuel au sein du gouvernement de l'Île-du-Prince-Édouard. Il est à noter que cette division continue d'utiliser la technologie la plus récente pour mieux aider ses clients. De façon plus précise, toutes les formules prescrites par la *Lands Protection Act* se trouvent maintenant en direct, sur notre site Web, pour la commodité des demandeurs. De plus, les personnes qui soumettent des demandes en vertu de la *Lands Protection Act* peuvent maintenant savoir où en sont leurs demandes grâce à notre site Web.

La Land Division a également rédigé, cette année, un document intéressant à la demande du Conseil exécutif. Il s'agit du *Report on Trends in Non-Resident Land Ownership 1994 to 2000* terminé en mars 2001. Le rapport conclut que la superficie des terrains de la province appartenant à des non-résidents est passée de 10 % à 9 % entre 1994 et 2000. Toutefois, le rapport indique aussi une forte proportion de terrains de propriété étrangère dans plusieurs secteurs, lesquels sont mis en évidence. La Commission, par l'intermédiaire de sa Land Division, s'est engagée à se pencher dans les années à venir sur l'activité liée aux terrains de propriété étrangère et à en faire rapport, car cette information est essentielle au débat sur la politique gouvernementale et à la prise de décisions.

Comme par le passé, la Residential Rental Property Division demeure très active. En fait, le tableau 3 qui est présenté à la fin du rapport de cette division démontre clairement que le nombre de demandes a augmenté nettement cette année, d'environ 8 % par rapport à 1999-2000. Ces demandes prennent beaucoup de temps car le personnel cherche à faire de la médiation avant que les conflits ne prennent des dimensions plus formelles. Puisqu'il en est ainsi, il ne fait aucun doute que les membres du grand public qui demandent l'aide de la Rental Division sont bien desservis par son directeur, ses mandataires et son personnel, lesquels doivent répondre au fort volume de demandes découlant de la *Rental of Residential Property Act*. Bon nombre des problèmes et des préoccupations soulevés sont très personnels et, de ce fait, peuvent avoir une forte charge émotive. La Commission est fière du professionnalisme dont

ses employés font preuve devant les fréquentes situations difficiles auxquelles ils doivent réagir.

La Technical and Regulatory Services Division a fourni dans sa partie du rapport une profusion de renseignements sous la forme de figures, de graphiques et de tableaux variés. Un des domaines de responsabilité de cette division, celui de la réglementation des prix du pétrole, semble toujours susciter beaucoup d'intérêt d'une année à l'autre. L'année dernière n'a pas fait exception. Même si les gens de l'Île ont subi, au cours de l'année, des hausses de prix à la pompe suivis d'un léger fléchissement vers la fin de l'année, l'information que nous donne cette division démontre clairement que, des quatre capitales de l'Atlantique, c'est Charlottetown qui a joui des prix les plus bas sur l'ensemble de la période examinée. Comme on l'a dit si souvent dans le passé, cette information relative à la période couverte par le rapport ne signifie pas que les prix dans un contexte réglementé sont nécessairement inférieurs aux prix que l'on trouve en l'absence de réglementation, mais plutôt que la réglementation a pour effet d'atténuer les fluctuations de prix qui sont possibles en l'absence de réglementation. De plus, le niveau et le mode de taxation des divers territoires ont aussi une incidence importante sur le prix à la pompe. Quoi qu'il en soit, je crois que la population de l'Île continue de tirer profit du régime de réglementation établi par la *Petroleum Products Act*.

Dans le cadre des responsabilités de la Commission relevant de la *Maritime Electric Company, Limited Regulation Act*, une audition a été amorcée au sujet de l'augmentation des tarifs de 4,53 % annoncée par la Maritime Electric Company, Limited à compter du 1er janvier 2001. À la fin de la période couverte par le rapport, l'audition venait de commencer; il reste encore à examiner minutieusement la preuve pour établir la portée complète des enjeux. De nombreux autres domaines de responsabilité incombant à la Technical and Regulatory Services Division sont décrits en détails dans le rapport, et le travail très compétent et professionnel des membres de cette division y est mis en évidence.

Comme je l'ai indiqué au début de mes observations, la Commission a connu des changements importants sur le plan de son personnel et de sa structure, pendant la période couverte par le rapport. Deux de nos commissaires à temps partiel ont remis leur démission pour des raisons personnelles. Il s'agit de M. Weston Rose et de Mme Mary Burge. Le mandat de Mme Elizabeth MacDonald a aussi pris fin au cours de la dernière année. Chacune de ces personnes a grandement contribué au travail de la Commission en participant aux divers panels ayant siégé en appel et en s'acquittant des autres fonctions qui leur ont été confiées. Je les remercie pour avoir servi la Commission et je leur souhaite la meilleure des chances dans leurs plans d'avenir. À la suite de ces démissions, deux nouveaux commissaires à temps partiel ont été nommés : Kathy Kennedy et Anne Petley. Je leur souhaite la bienvenue à la Commission. J'attends avec impatience de travailler avec elles à divers titres, dans le cadre des responsabilités législatives variées relevant du mandat de la Commission. J'espère que les commissaires Kennedy et Petley trouveront intéressant, informatif et productif leur travail au sein de la Commission.

Pour la première fois, on a comblé le poste du troisième commissaire à temps plein en le confiant à M. Maurice (Moe) Rodgerson. Jusqu'à maintenant, la Commission avait fonctionné avec un président et un vice-président à temps plein, mais elle ne s'était jamais prévalu de la possibilité de nommer un troisième commissaire à temps plein comme le permet notre loi habilitante. M. Rodgerson fera bénéficier la Commission de sa longue expérience au sein de la fonction publique. Nous lui souhaitons la bienvenue. Son expérience et sa connaissance approfondie de notre province ne peuvent que rehausser davantage le degré de qualité des activités de la Commission. Je me réjouis à l'avance de notre collaboration des années à venir dans les dossiers variés qui nous sont confiés en vertu des textes de loi dont l'application nous incombe.

Depuis notre dernier rapport annuel, la Land and Property Division a été rebaptisée

et s'appelle maintenant la Land Division. Comme je l'ai indiqué plus tôt, le directeur de la division, Mr. Chris Jones, est actuellement en détachement auprès du gouvernement de l'Île-du-Prince-Édouard. Nous attendions d'en savoir davantage sur l'issue du détachement de M. Jones avant de combler son poste. Cependant, la Commission a ajouté un employé au groupe, en la personne de M. Philip Rafuse, maintenant titulaire d'un poste vacant d'agent des terres au sein de la Land Division. Je souhaite la bienvenue à M. Rafuse et je compterai sur sa contribution et son aide pour le vaste éventail de responsabilités qui incombent à cette division.

Autre changement, la Administration Division a été refondue et est maintenant la Corporate Services Division, mais elle relève toujours de la direction compétente d'Eileen Callaghan. Le Office of the Director of Residential Rental Property, quant à lui, remplace la Rental Division, mais le personnel et le mandat n'ont pas changé.

Une bonne part de cette réorganisation a été précipitée par la retraite de Mme Doris Pursey, qui était à la tête de la Petroleum Division. On a fusionné la Technical Services Division et la Petroleum Division afin de créer la Technical and Regulatory Services Division, dont le directeur est Donald G. Sutherland. Toutes les fonctions de réglementation sont maintenant réunies en une seule division. La Commission tient à remercier M. Sutherland pour avoir accepté d'assumer des responsabilités supplémentaires. En relevant ce défi, M. Sutherland illustre bien l'esprit de la Commission pour ce qui est d'utiliser au mieux les ressources afin de consacrer toute l'énergie au service du public.

J'ai réservé mes derniers commentaires du rapport annuel à la contribution importante que Mme H. Doris Pursey a faite à la Commission, aux organismes qui l'ont précédée et au grand public de notre province. Doris a joint les rangs de la Commission des services publics de l'Île le 3 avril 1960 et a consacré les quarante années suivantes de sa vie à s'acquitter de diverses responsabilités relevant de cette Commission. Le plus remarquable, c'est que pendant au moins la moitié de cette période de sa vie, elle a été la directrice de la Petroleum Division. Au cours de ces années, Doris a travaillé avec un certain nombre de présidents qui étaient eux-mêmes des personnalités publiques fort respectées, notamment, le juge C. St. Clair Trainor, le juge Alex W. Matheson, le juge Gilbert Gaudet, le juge Arthur H. Peake, M. William Brennan, M. Robert O'Rourke et la juge Linda Webber.

Pendant son séjour au sein de la Commission de réglementation et d'appels de l'Île et des organismes qui l'ont précédée, Doris a travaillé à la réglementation de Island Tel, des services publics d'électricité, du secteur du transport routier et du pétrole. Elle a effectivement aidé la Commission à l'époque de l'installation des lignes électriques qui allaient éclairer toute la province et pendant la période de transition des lignes téléphoniques partagées aux lignes privées de Island Tel, mais sa contribution la plus importante a sans doute porté sur la réglementation du pétrole. Doris a contribué dans une grande mesure à la vie publique en général dans la province, grâce aux conseils et à l'encadrement qu'elle a offerts, ainsi qu'à son travail au quotidien en matière de réglementation de l'industrie pétrolière. Au nom de tous les membres de la Commission et, en fait, de tous les gens de l'Île, je saisis cette occasion qui m'est offerte de remercier publiquement Doris pour son travail soutenu et son dévouement pendant quarante années de sa vie, et de lui transmettre mes meilleurs souhaits de bonheur et de santé pendant sa retraite.

En conclusion, je remercie encore une fois tous les employés de la Commission de réglementation et d'appels de l'Île pour avoir contribué de façon soutenue à la vie publique de notre province en s'acquittant de leurs diverses responsabilités. Je continue aussi de compter sur les conseils et l'aide de mon vice-président, M. Ginger Breedon, et je me réjouis à l'idée de continuer de travailler avec lui aux dossiers de la Commission au cours de l'année à venir.

TABLE 1

Decisions-Orders-Approvals-Mediations
(Fiscal Year End)

Land Division	1993	1994	1995	1996	1997	1998	1999	2000	2001
Planning Act Appeal Decisions	8	9	15	18	14	16	15	24	13
Roads Act - Appeal Decisions	0	0	0	4	2	1	1	0	0
Non-Resident Applications	75	93	110	105	92	102	94	118	113
Corporate Applications	117	93	230	197	162	190	186	227	217
LPA Section 6.1 Permit Applications	n/a	n/a	n/a	n/a	36	n/a	40	n/a	n/a
Annual Disclosure Statements	n/a	n/a	n/a	n/a	88*	92	94	87	103
Municipal Boundary Extensions	-	-	1	0	0	1	0	0	0
Real Property Assessment Act Appeal Decisions	2	5	8	3	6	1	0	4	2
Appeals Mediated	0	0	0	2	7	0	0	3	3
Total	**202**	**200**	**364**	**329**	**407**	**403**	**430**	**463**	**451**

* See Table 8

Office of the Director of Residential Rental Property Division	1993	1994	1995	1996	1997	1998	1999	2000	2001
Rental Appeals/Allowable Rent Increase	6	13	8	8	21	15	13	10	10
Total	**6**	**13**	**8**	**8**	**21**	**15**	**13**	**10**	**10**

Technical & Regulatory Services Division	1993	1994	1995*	1996	1997	1998	1999	2000	2001
Petroleum Pricing Applications	32	28	24	34	47	49	60	52	90
Other Petroleum Pricing Matters	n/a	n/a	n/a	n/a	2	3	2	6	2
Initial Petroleum Applications	2	2	0	3	2	1	2	1	2
Petroleum Violations	6	30	17	26	30	19	17		4
Total Petroleum	**40**	**60**	**41**	**63**	**81**	**72**	**81**	**68**	**98**
Water-Sewer Utility Rate Applications	14	11	10	10	1	2	0	0	4
Electric Utility Rate Applications	6	2	n/a*	n/a	n/a	n/a	n/a	n/a	n/a
Water-Sewer Utility Formal Complaints	1	0	3	2	1	0	0	0	0
Electric Formal Complaints	2	2	1	0	0	0	0	0	0
Other Water-Sewer	0	8	10	2	0	0	3	2	1
Other Electric	16	19	1	1	0	0	0	0	3
Sales Tax Appeals	1	0	3	2	3	1	3	1	2
Water-Sewer Construction Permits	33	52	72	17	14	14	12	2	2
Other	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3	0
Total Other	**73**	**94**	**100**	**34**	**19**	**17**	**18**	**8**	**12**
Total									**110**

**IRAC regulation of Electric Rates discontinued as of April 30, 1994*

Total Commission	**321**	**367**	**513**	**434**	**528**	**507**	**542**	**549**	**571**

TABLE 2

Meetings and Hearings

Fiscal Year Ended	Hearing Sessions	Meeting Sessions	Total
2001	18	200	218
2000	32	204	236
1999	32	233	265
1998	56	137	193
1997	50	206	256
1996	63	167	230
1995	47	196	243
1994	42	137	179
1993	68	138	206
1992	63	95	158

TABLE 3

Public Hearing Days

Fiscal Year Ended	Land & Property Division	Technical Services Division	Rental Division	Petroleum Division	Total
2001	10	3	5	0	18
2000	19	6	7	0	32
1999	17	1	12	3	33
1998	33	5	14	4	56
1997	24	3	20	3	50
1996	39	3	7	14	63
1995	32	3	7	5	47
1994	19	8	12	1	40
1993	19	32	5	9	65
1992	5	30	n/a	19	54

Financial Information & Divisional Assessment Formulas

Statement of Earnings and Surplus - Operating Fund*

Year ended March 31, 2001, with comparative figures for 2000

	2001	2000
Income:		
Assessments on public utilities	$246,979	$245,969
Licenses		
Petroleum products	254,100	257,770
Permits - land and property division	171,691	140,029
- moving buildings	1,370	1,666
Assessment - Province of Prince Edward Island	1,072,132	1,041,200
Investment income	58,960	53,121
Other income	0	0
	1,805,232	1,739,755
Expenses:		
Advertising	16,155	11,516
Bad Debts	1,433	-
Cleaning	8,185	6,989
Computer maintenance and supplies	16,835	12,737
Depreciation	126,087	102,242
Education and development	2,812	7,338
Insurance	5,755	5,594
Interest	6,969	6,277
Office and supplies	37,208	26,158
Part-time commissioners	26,112	35,464
Postage	4,082	4,443
Professional fees	134,257	52,670
Publications	12,799	12,144
Rent	149,911	146,163
Salaries and employee benefits	1,182,023	1,089,070
Telephone	23,383	21,793
Travel	42,358	45,647
Year 2000 computer upgrades	-	29,429
	1,796,364	1,615,674
Earnings before Reserves transfer	8,868	124,081
Transfer from Reserves	5,756	26,565
Deferred Revenue	14,624**	150,646 **
Net earnings	-	-
Surplus, beginning of year	174,268	170,191
Transfer from capital fund	126,087	102,242
Transfer to capital fund for investment in capital assets	(239,334)	(98,165)
Surplus, end of year	$61,021 ***	$174,268 ***

*As reported in the Financial Statements of Island Regulatory and Appeals Commission March 31, 2001.

** Pursuant to a three year provincial assessment agreement entered into with the Province of Prince Edward Island the Commission has agreed to refund to the Province at the end of the agreement, the accumulated surpluses, if any, for the years ended March 31, 1996, 1997 and 1998. A similar agreement has been entered into with the Province of Prince Edward Island for the years ended March 31, 1999, 2000 and 2001.

*** Since the Commission operates at arms-length from Government and is funded differently from departments of Government, there has always been a need for the Commission to keep a certain surplus in its account to cover any unanticipated demands throughout the year. The Commission is expected to, and does, meet all of its requirements on a year-to-year basis this way – without seeking special assessments for extraordinary events. This enables those assessed, including Government, to rely upon the assessment with assurance that additional funds will not be sought later in the year. While the Commission has the power to issue additional assessments throughout the year, it has always tried not to do so, for the above reasons.

Revenue Sources 2000-2001

		2000-2001 Revenue		2000-2001 Expenses
Land and Property Division/Rental Division				
Land and Property Fees	$ 167,086		$657,164	
Rental Fees	4,605	$ 171,691	379,508	$1,059,199
Petroleum Division				
Licenses and Fees		$ 255,470		$ 346,159
Technical Services Division				
Assessments - Utilities				
Water and Sewer	$ 26,979			
Electric Utilities	220,000	$ 246,979		$ 391,006
Assessment to Government of PEI - General Revenue Fund		$ 1,072,132		
Investment Income		$ 56,796		
Miscellaneous - Hearing room rent, transcripts, etc.		$ 2,164		
Total Revenue and Expense		**$1,805,232**		**$1,796,364**
Earnings before Transfer from Reserves		**$ 8,868**		

Assessments
2000-2001

Land Division Revenue is generated through the following fees:

Applications under the *Lands Protection Act* for purchase of property by non-residents:

Fees: Minimum of $500.00 or 1% of the agreed purchase price, whichever is greater.

Rental Division Revenue is generated through the following fees:

Rental Applications:

A) Rent Owing applications (pursuant to Section 8) filed by a lessor - $30.00

B) Rent Increase applications [pursuant to Section 23(3)]

Two units or less - $25.00

Three or more units - $75.00

C) All other applications by a lessor or lessee - $10.00

Technical and Regulatory Services Division - Petroleum

Revenues to operate the Petroleum Division for this fiscal year were derived from fees for licenses issued under the *Petroleum Products Act*, together with other related charges as set out in the following schedule:

(i)	Wholesale License (Initial)				$1,500.00
	Wholesale License (Initial-Lubricants Only)				$750.00
(ii)	Wholesale License (Renewal)				
	(Based on Total Sales Volume in Litres for Previous Year)				
	Sales up to	2,500,000			$2,750.00
	Sales Between	2,500,001	and	5,000,000	5,500.00
		5,000,001	and	15,000,000	8,250.00
		15,000,001	and	30,000,000	11,000.00
	(Over 30,000,000 - $11,000.00 plus $2,750.00 for each additional 15,000,000 or portion thereof)				
(iii)	Cardlock Facility	Bulk Fuel Depot (Each Dispensing Unit)			$200.00
(iv)	Retail-Distributor's License - Bulk Storage				
	(Based on Storage Capacity in Litres)				
	Capacities totaling	up to 500,000			$625.00
	Capacities between	500,001	and	1,000,000	750.00
		1,000,001	and	10,000,000	1,500.00
		10,000,001	and	30,000,000	3,000.00
		30,000,001	and	50,000,000	4,500.00
		50,000,001	and	70,000,000	6,000.00
		70,000,001	and	90,000,000	7,500.00
		Over 90,000,000			9,000.00
(v)	Retail-Distributor's License				
	No Bulk Storage				$300.00
	No Bulk Storage (Lubricant's Only)				$150.00
(vi)	Tank Truck License (Including propane cylinder delivery trucks)				$125.00
(vii)	Retail Dealer Licenses (other than Marine) (includes gasoline, diesel fuel, kerosene and propane nozzles)				
	(a) For each nozzle from 1 - 12				$50.00
	(b) For each nozzle from 13 - 24				$35.00
	(c) For each nozzle over 24				$25.00
(viii)	Retail Dealer Licenses (Propane only)				
	(a) For the sale of filled portable propane cylinders up to and including 20 kilograms only				$50.00
	(b) For the filling of propane tanks permanently attached to a motor vehicle				$50.00
	(c) For the filling, sale, and/or delivery of portable propane cylinders up to and including 45.4 kilograms only				$100.00
(ix)	Retail Dealer Licenses (Marine only)				
	(a) Each marked gasoline, unmarked gasoline or diesel fuel nozzle				$50.00
	(b) Each keylock or cardlock dispensing unit				$200.00
(x)	Aviation Fuel Depot				$500.00
(xi)	Licensing fees based on equipment installed after October 1 each year				-50%
(xii)	Filing Fee re Applications requiring advertising				$200.00
(xiii)	For the reissue of any Petroleum Products License during the term of its validity				$35.00
(xiv)	Administrative Fee for cancellation of any unused License				$35.00

Assessments
2000-2001

Technical and Regulatory Services Division

Revenue is generated through the following Utility Assessments.

Assessment Scale
Water and Sewer
2000-2001

REVENUE RANGE ($)	ASSESSMENT RATE 1999-00	% CHANGE	ASSESSMENT RATE 2000-01
0 - 5,000	$275.63	0.00%	$275.63
5,001 - 10,000	$441.00	0.00%	$441.00
10,001 - 50,000	$716.63	0.00%	$716.63
50,001 - 100,000	$1,102.50	0.00%	$1,102.50
100,001 - 250,000	1.23480 %	0.00%	1.23480 %
250,001 - 500,000	1.21275	0.00%	1.21275
500,001 - 750,000	1.19070	0.00%	1.19070
750,001 - 1,000,000	1.16865	0.00%	1.16865
1,000,001 - 1,250,000	1.14660	0.00%	1.14660
1,250,001 - 1,500,000	1.12455	0.00%	1.12455
1,500,001 - 1,750,000	1.10250	0.00%	1.10250
1,750,001 - 2,000,000	1.08045	0.00%	1.08045
2,000,001 - 2,500,000	1.05840	0.00%	1.05840

Assessment
Power

The annual power assessment for Maritime Electric Company, Limited is determined by the Lieutenant Governor in Council, pursuant to section 22 of the *Maritime Electric Company Limited Regulation Act*.

The assessment for the City of Summerside Electric Utility is also determined by the Lieutenant Governor in Council, pursuant to section 46(2)(a) of the *Electric Power and Telephone Act*.

Land
Division
Report

Land Division Report

I. INTRODUCTION

The Division is assigned responsibilities under the following statutes:

- *Planning Act*, R.S.P.E.I. 1988, Cap. P-8;
- *Lands Protection Act*, R.S.P.E.I. 1988, Cap. P-5;
- *Real Property Assessment Act*, R.S.P.E.I. 1988 Cap R-4;
- *Real Property Tax Act*, R.S.P.E.I. 1988, Cap. R-5;
- *Roads Act*, R.S.P.E.I. 1988 Cap. R-15;
- *Municipalities Act*, R.S.P.E.I. 1988, Cap. M-13;
- *Unsightly Property Act*, R.S.P.E.I. 1988 Cap. U-5; and the
- *Heritage Places Protection Act*, R.S.P.E.I. 1988 Cap. H-3.1.

The Division is responsible for the coordination and administration of appeal hearings relating to the following matters: land use planning, real property assessment and real property tax, entrance way permits, unsightly properties, and matters related to the designation of heritage places. The Division administers the *Lands Protection Act* and is responsible for receiving annual disclosure statements, making recommendations to the Lieutenant Governor in Council on the disposition of applications respecting the acquisition of land by non-residents and corporations and conducting investigations to determine if persons or corporations have contravened the *Act*. The Division is also responsible for the coordination of public hearings conducted by the Commission in its review of applications by municipalities seeking boundary extensions.

The following outlines the major roles and responsibilities of the Division and the level of activity under each of the related statutes. Statistical information is based upon the fiscal year from April 1, 2000 to March 31, 2001. A review of Division activity can be found in Table 7.

II. PLANNING ACT

Under the *Planning Act*, the Commission is responsible for hearing and deciding appeals relating to land use.

As an appellate body the Commission hears appeals from persons who are dissatisfied with decisions made by the Minister of Community and Cultural Affairs or a municipal council pursuant to section 28 of the *Act*. This provision is set out as follows:

> *... any person who is dissatisfied by a decision of a council or the Minister in respect of the administration of regulations or bylaws made pursuant to the powers conferred by this Act, may, within twenty-one days of the decision appeal to the Commission.*

In 2000-2001, the Commission received a total of 23 appeals. In addition, 5 appeals were carried forward from previous years. Of these 28 appeals, 1 was allowed, 9 were denied, 6 were subsequently withdrawn by the Appellants and in 3 cases the Commission found that it did not have jurisdiction to hear the appeals. During this period, the Commission assisted in mediating 3 appeals. A total of 6 appeals are pending (refer to Table 1).

III. LANDS PROTECTION ACT

A. Non-Resident and Corporate Applications

The Commission is responsible for making recommendations to the Lieutenant Governor in Council on all applications by non-residents and corporations to acquire an interest in land pursuant to the provisions of the *Lands Protection Act*.

During the reporting period, the Commission considered 113 applications from non-residents totaling 4,542.68 acres. Five non-resident applications involving 100.08 acres were denied by the Lieutenant Governor in Council following recommendations of denial by the Commission. Sixty-six (66) parcels with shore frontage

totaling approximately 80,079 feet were included in the applications. During this same period, the Commission considered 196 applications involving 11,826.48 acres of land from resident corporations. Twenty-one applications involving 384.10 acres of land were considered from non-resident corporations. A breakdown of these can be found in Tables 2, 3, 4 and 5 and Figures 1, 2, 3 and 4.

B. Annual Disclosure Process

The Commission is also responsible for receiving annual land holding disclosure statements from all persons and corporations having an aggregate land holding of more than 750 acres for persons and more than 2,250 acres for corporations. The disclosure statements are filed pursuant to the provisions of subsection 10(2) which states:

> *Without prejudice to subsection (1), any person or corporation having an aggregate land holding in excess of the limit specified in subsection (1) shall, not later than December 31 of each year, file a disclosure statement with the Commission.*

For the calendar year 2000, the Commission received a total of 103 land holding disclosure statements, of which 16 statements were filed by corporations and 87 filed by persons.

C. Information and Monitoring System

During the year, the Commission's website (**www.irac.pe.ca**) was expanded. All forms prescribed pursuant to the *Act* are available online for the convenience of applicants. The forms can be filled-in online, printed and filed. Also, applicants can now track the progress of their applications using the website at their convenience.

The Commission continues to maintain a computerized land information system to assist in tracking and reporting on applications filed with the Commission. The database includes all applications filed with the Commission and the Land Use Commission dating back to 1977. The database has also been expanded to permit tracking of persons and corporations that file annual land holding disclosure statements. This system allows the Commission to access information more quickly and efficiently in the process of reviewing applications and responding to public inquiries.

The Commission is also able to access property information and mapping through GeoLinc, the Department of Provincial Treasury's assessment records system.

In March 2001, the Commission completed a report titled *Report on Trends in Non-Resident Land Ownership 1994 to 2000*. The report was prepared at the request of Executive Council. The report concluded that the amount of non-resident owned land (by acreage) in the province decreased from 10% to 9% between 1994 and 2000. However, several areas with high levels of non-resident owned land, including Cable Head West (58%), Springbrook (43%) and Point Prim (41%), were identified.

D. The Land Identification Program

The objective of the Land Identification Program is to limit development of land identified for non-development use to certain types of uses. They include forestry, wildlife, agriculture, recreation, permanent or seasonal residence that do not involve commercial or industrial development or subdivision.

The Commission's involvement in this program pertains to acquisitions by non-residents and corporations. The Commission is responsible for making recommendations to the Lieutenant Governor in Council on the disposition of applications including recommendations as to whether the land should be identified.

The Commission places an emphasis on the identification of land for non-development use when it considers applications by non-residents and corporations for land acquisition. Special attention is paid to applications for acquisition of coastal land, active agricultural land, speculative land transactions and land intended for subdivision.

During the reporting period, the Commission recommended that 9,797 acres be identified for non-development use as a result of non-resident, non-resident corporate and resident corporate applications considered under the *Act* (refer to Table 6).

E. Enforcement

Pursuant to subsection 15(1) of the *Act*, the Commission may request information and conduct an investigation for the purpose of determining whether a person or corporation has contravened the *Act* or the regulations. During the reporting period, the Commission authorized 21 inquiries/investigations. In addition, 11 matters were carried over from the previous year. The Commission issued 20 warnings after the Respondents came into compliance. In 5 cases, the Commission found that no violations occurred. Seven matters are still under review.

IV. REAL PROPERTY ASSESSMENT ACT

The Provincial Treasurer is responsible for administering the *Real Property Assessment Act*. Subsection 22(1) of the *Act* states:

Where an assessment has been referred to the Minister under Section 20, and after the Minister has notified the person making the reference of his decision, the person making the reference may appeal to the Commission to have the assessment vacated or varied.

In 2000-2001, the Commission received 5 appeals. In addition, 2 appeals were carried forward from the previous year. Of the 7 appeals, 5 were subsequently withdrawn by the Appellants. The Commission issued 2 Orders: one appeal was heard, while in another case the Commission ruled that it did not have jurisdiction to hear the appeal. No appeals are currently pending.

V. REAL PROPERTY TAX ACT

The Provincial Treasurer is responsible for administering the *Real Property Tax Act*. Subsection 35(1) of the *Act* reads:

> *Where a tax has been referred to the Minister under Section 33, and after the Minister has notified the person making the reference of his decision, the person making the reference may appeal to the Commission, to have the tax vacated or varied.*

No appeals were filed with the Commission during this reporting period.

VI. UNSIGHTLY PROPERTY ACT

The *Unsightly Property Act* deals with properties that are considered unsightly. Under the *Act* an order can be issued to an individual to clean up the property. Pursuant to Section 7 of the *Act*, where an individual is issued an order to clean up unsightly property, he or she may appeal to the Commission. On hearing the appeal, the Commission may confirm, rescind or in any manner vary the order, and the judgment of the Commission shall be final.

During the reporting period, no appeals were filed with the Commission.

VII. ROADS ACT

The *Roads Act* is administered by the Department of Transportation and Public Works. The Commission has appellate jurisdiction as set out pursuant to subsection 12(1) of the Highway Access Regulations:

> *Where the Minister has discretion to issue an entrance way permit pursuant to these regulations, a decision of the Minister may be appealed to the Island Regulatory and Appeals Commission, by the applicant.*

During the reporting period, one appeal was filed with the Commission. This appeal is still pending.

VIII. MUNICIPALITIES ACT

The Commission is responsible for conducting public hearings with respect to municipal boundary extensions. Pursuant to subsection 12(1):

> *Where a municipality wishes to extend its boundaries to include an area for which no municipal government is provided under this Act, it may apply to the Minister for approval of the annexation of that area.*

Pursuant to subsection 13(1), upon receipt of such application, the Minister shall direct the Commission to conduct a public hearing and make a recommendation to the Minister on the disposition of such application.

During the reporting period, the Minister referred an application to the Commission concerning a major boundary extension for the Town of Kensington. The Commission held a public hearing on this matter and heard presentations from the Town and members of the public. Upon consideration of the matter, the Commission made a recommendation to the Minister to deny the proposed annexation.

IX. HERITAGE PLACES PROTECTION ACT

Under the *Heritage Places Protection Act* and the Heritage Places Protection Act Regulations, the Minister may designate any heritage place as a designated site, structure or area. The owner of any property designated as a heritage place, or any municipality in which the property is located, may appeal the Minister's decision by written notice to the Commission within 30 days of the receipt of service of the Notice of Designation of Heritage Place.

No appeals were filed with the Commission during this reporting period.

TABLE 1

Status of Appeals
Planning Act
1992-2001

Appeals	1992*	1993*	1994*	1995 -96	1996 -97	1997 -98	1998 -99	1999 -2000	2000 -2001
Allowed	2	2	5	4	0	3	7	2	1
Denied	6	7	10	11	5	10	8	7	9
Withdrawn	2	12	14	17	6	18	10	12	6
No Jurisdiction	0	2	1	2	8	3	3	11	3
Mediated	n/a	n/a	n/a	2**	3	0	0	3	3
Pending	6	7	18	12	17	16	7	5	6
Total	16	30	48	48	39	50	35	40	28

* Represents calendar year.
** The Island Regulatory and Appeals Commission Act was amended in 1995 to allow use of alternative dispute resolution where appropriate.

TABLE 2

Non-Resident Applications
Lands Protection Act
2000-2001

	PRINCE COUNTY		QUEENS COUNTY		KINGS COUNTY		PROVINCE	
No. of Acres	No. of Applications	Acreage	No. of Applications	Acreage	No. of Applications	Acreage	No. of Applications	Acreage
<10	10	25.73	17	56.92	14	73.96	41	156.61
10-49	8	200.71	19	486.09	12	280.41	39	967.21
50-99	3	209.50	8	474.06	9	540.68	20	1,224.24
100-499	1	143	4	737	8	1,314.62	13	2,194.62
500+	0	0.00	0	0.00	0	0.00	0	0.00
Total	22	578.94	48	1,754.07	43	2,209.67	113	4,542.68

Land Identified	No. of Parcels	Acreage	No. of Parcels	Acreage	No. of Parcels	Acreage	No. of Parcels	Acreage
Total	10	391.50	22	926.98	22	1,063.16	54	2,381.64

Shore Frontage	No. of Parcels	Feet	No. of Parcels	Feet	No. of Parcels	Feet	No. of Parcels	Feet
Total	18	14,459	18	15,442	30	50,178	66	80,079

Five non-resident applications involving 100.08 acres were denied in 200-2001 and are not included in the above table.

TABLE 3

Resident Corporate Applications
Lands Protection Act
2000-2001

No. of Acres	PRINCE COUNTY No. of Applications	Acreage	QUEENS COUNTY No. of Applications	Acreage	KINGS COUNTY No. of Applications	Acreage	PROVINCE No. of Applications	Acreage
<10	25	91.94	35	103.83	20	50.90	80	246.67
10-49	16	465.25	23	522.99	12	333.77	51	1,322.01
50-99	14	993.58	10	637.49	10	719.01	34	2,350.08
100-499	14	3,196.69	7	1445.00	8	1,567.53	29	6,209.22
500+	2	1698.50	0	0.00	0	0.00	2	1,698.50
Total	71	6,445.96	75	2,709.31	50	2,671.21	196	11,826.48

Land Identified	No. of Parcels	Acreage	No. of Parcels	Acreage	No. of Parcels	Acreage	No. of Parcels	Acreage
Total	70	4,575.71	22	1,244.99	28	1,448.35	120	7,269.05

Shore Frontage	No. of Parcels	Feet	No. of Parcels	Feet	No. of Parcels	Feet	No. of Parcels	Feet
Total	11	27,185	9	3,840	7	18,758	27	49,783

TABLE 4

Non-Resident Corporate Applications
Lands Protection Act
2000-2001

No. of Acres	PRINCE COUNTY No. of Applications	Acreage	QUEENS COUNTY No. of Applications	Acreage	KINGS COUNTY No. of Applications	Acreage	PROVINCE No. of Applications	Acreage
<10	2	4.01	4	25.32	2	10.75	8	40.08
10-49	3	43.42	5	101.62	2	34.92	10	179.96
50-99	0	0.00	2	114.06	1	50.00	3	164.06
100-499	0	0.00	0	0.00	0	0.00	0	0.00
500+	0	0.00	0	0.00	0	0.00	0	0.00
Total	5	47.43	11	241.00	5	95.67	21	384.10

Land Identified	No. of Parcels	Acreage	No. of Parcels	Acreage	No. of Parcels	Acreage	No. of Parcels	Acreage
Total	0	0.00	3	146.56	0	0.00	3	146.56

Shore Frontage	No. of Parcels	Feet	No. of Parcels	Feet	No. of Parcels	Feet	No. of Parcels	Feet
Total	1	1,700	3	1,745	2	830	6	4,275

TABLE 5

Applications Reviewed
Lands Protection Act
1992-2001

Type of Application	1992*	1993*	1994*	1995 -96	1996 -97	1997 -98	1998 -99	1999 -2000	2000 -2001
Non-Resident	75	93	110	105	92	102	94	118	113
Corporate	117	93	230	197	162	190	186	227	217
Special Permits	3	n/a**	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Special 6.1 Permits	n/a	n/a	n/a	n/a	46***	n/a	40****	n/a	n/a
Total	195	186	340	302	300	292	320	345	330

* Represents calendar year.
** Legislation was amended repealing provision for Special Permits.
*** Legislation was amended to permit Section 6.1 Permits.
**** Legislation was amended requiring reconsideration of Section 6.1 Applications.

TABLE 6

Acreage Identified for Non-Development Use
Land Identification Program
1992-2001

Type of Application	1992*	1993*	1994*	1995 -96	1996 -97	1997 -98	1998 -99	1999 -2000	2000 -2001
Non-Resident Applications	1,612	3,315	3,025	2,298	1,907	1,157	2,277	1,976	2,382
Corporate Applications	5,299	4,595	18,625	12,107	6,961	11,100	10,690	10,877	7,415
Enterprise P.E.I.	5,763	10,803	10,762	10,731	n/a**	n/a**	n/a**	n/a**	n/a**
Total	12,674	18,713	32,412	25,136	8,868	12,257	12,967	12,854	9,797

* Represents calendar year.
** The Commission no longer makes decisions on land purchases from Enterprise P.E.I.

TABLE 7

Division Activity
Appeals, Applications and Statements Filed with the Commission
1992-2001

Issue	1992*	1993*	1994*	1995 -96	1996 -97	1997 -98	1998 -99	1999 -2000	2000 -2001
APPEALS									
Planning Act	17	30	41	30	33	32	19	33	23
Real Property Assessment Act	8	17	12	12	9	12	13	5	5
Real Property Tax Act	n/a	n/a	0	0	0	0	0	0	0
Roads Act	n/a	n/a	2	2	8	2	2	0	1
Unsightly Properties Act	1	0	0	0	0	0	0	1	0
Heritage Places Protection Act	n/a	n/a	0	0	0	0	0	0	0
LANDS PROTECTION ACT									
Non-Resident Applications	80	136	112	109	98	102	94	118	113
Resident Corporate Applications	175	91	220	187	154	171	170	201	196
Non-Resident Corporate Applications	3	10	16	14	15	20	16	26	21
Annual Disclosure Statements	n/a	n/a	n/a	n/a	88**	92	94	87	103
LPA Section 6.1 Permit Applications	n/a	n/a	n/a	n/a	46	n/a	40	n/a	n/a
MUNICIPALITIES ACT									
Boundary Extensions	n/a	n/a	1	1	0	1	0	1	1

* Represents calendar year.
** 77 Disclosure Statements for 1996 were reported in the 1996-97 Annual Report and 11 additional statements were filed after March 31, 1997.

FIGURE 1

Non-Resident Applications Acreage Distribution by County
Lands Protection Act
2000-2001

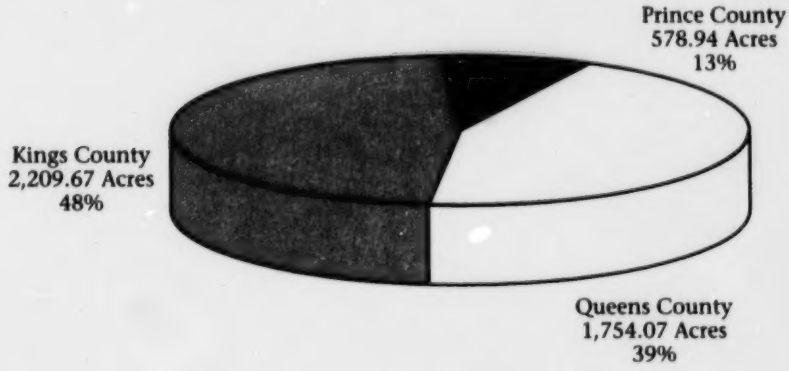


FIGURE 2

Resident Corporate Applications Acreage Distribution by County
Lands Protection Act
2000-2001

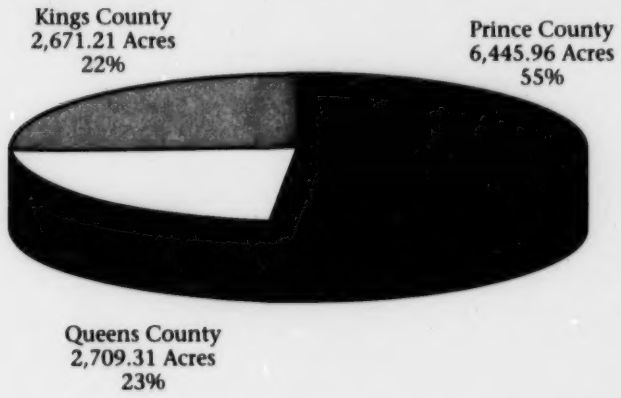


FIGURE 3

Non-Resident Corporate Applications Acreage Distribution by County
Lands Protection Act
2000-2001

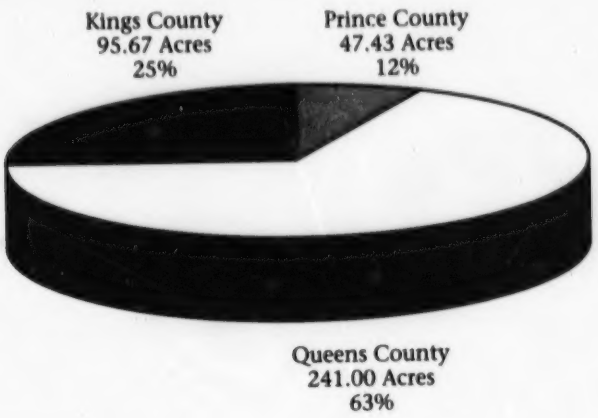
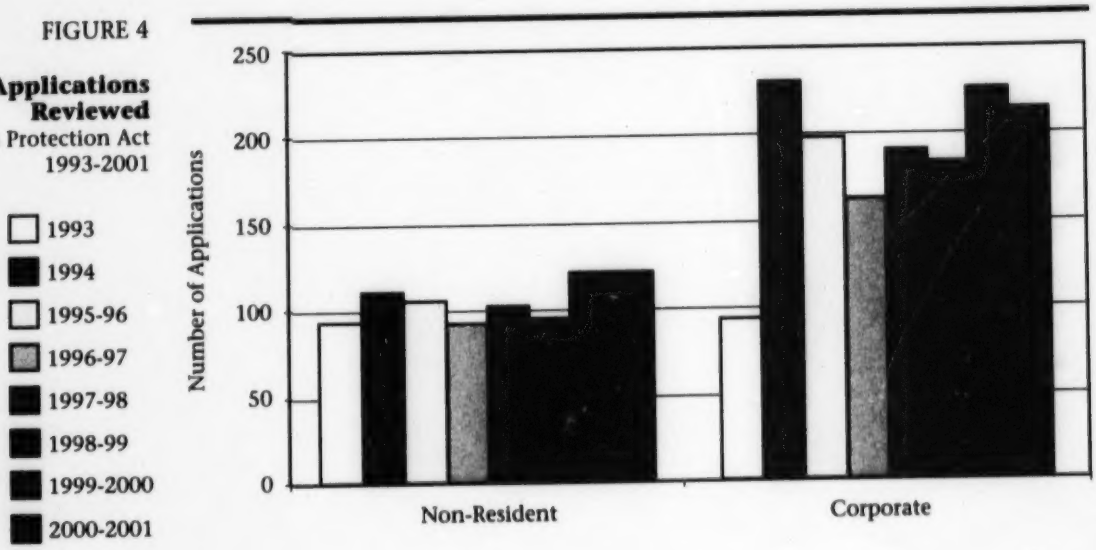


FIGURE 4

Applications Reviewed
Lands Protection Act
1993-2001



Residential Rental Property Division

Residential Rental Property Division

I. INTRODUCTION

The Division is responsible for the administration of the *Rental of Residential Property Act*, primarily dealing with disputes between lessors and lessees.

The following outlines the major roles and responsibilities of the Division and the level of activity under each of the related statutes. Statistical information is based upon the fiscal year from April 1, 2000 to March 31, 2001.

II. RENTAL OF RESIDENTIAL PROPERTY ACT

The administration of the *Rental of Residential Property Act* is carried out by the Rental Division, while the Commission hears appeals from the decisions of the Director of Residential Rental Property and those rental officers who have been delegated decision making power by the Director.

The *Act* establishes the obligations and responsibilities of the parties to rental agreements for residential premises. Procedures are set out to deal with violations and to enforce obligations under rental agreements. The *Act* sets out mechanisms whereby violations are expeditiously handled and the system is readily accessible to all parties. The *Act* outlines, among other things, procedures for the enforcement of statutory conditions, the handling of security deposits, the termination of rental agreements, rent owing and properly increasing rent.

The Division has exclusive responsibility for the administration of the *Act* and Regulations. The Director of the Division is responsible for:

- Providing information to the public to promote understanding of rights and responsibilities under this *Act*;
- Advising lessors and lessees with respect to matters relating to rental agreements;
- Receiving and investigating allegations of violations of rental agreements, or of the *Act* or the Regulations;
- Holding hearings, giving notice thereof to the parties, determining matters of procedure at hearings and making decisions or orders with respect to matters relating to the rights of lessors or lessees arising pursuant to this *Act*; and
- Entering and inspecting residential premises, after serving an inspection order, for the purpose of carrying out the powers or duties under this *Act* or the Regulations.

As a result of legislative changes, the *Act* now applies to all premises licensed under the *Tourism Industry Act* where guests rent such premises for a continuous period of one month or more.

The *Act* is administered on a province-wide basis with the majority of hearings being held at the offices of the Commission. Hearings are also held at the various Regional Services Centres when the housing unit involved is in that regional area.

During 2000-01 the Division received 291 new applications concerning rental matters (see Table 1 and Figure 1) and issued 202 orders (see Table 2) on those applications. During the 1999-00 reporting period the Division received 277 new applications and issued 226 orders. In 2000-01, the Division received 15,105 inquiries, which is an increase of approximately 8% over the 1999-00 level of 13,877 inquiries. (see Table 3).

The following sections outline the level of activity under the main sections of the *Act*.

A. Enforcement of Statutory or Other Conditions of a Rental Agreement

The statutory conditions are those obligations of either the lessor (landlord) or the lessee (tenant) as set out in the *Act* and the standard form of rental agreement. Statutory conditions include such issues as: good behavior, condition of the premises, subletting of the premises, and late payment penalty. Other conditions of a rental agreement include the return of

security deposits and rent owing. Recent amendments to the *Act* provide for a process for dealing with personal property abandoned by tenants. In all cases the parties are encouraged to resolve disputes after their rights are explained. When this is unsuccessful, an application is received and processed by investigation and/or hearing.

During the reporting period the Division received 206 applications involving statutory or other conditions. This is an increase of 23 over the previous year's total of 183 applications.

B. Security Deposits

The *Act* sets out the handling and processing requirements for security deposits taken as a condition of the rental agreement. The lessor is required to deposit the funds at a financial institution in a designated trust account and interest accrues to the lessee while the deposit is held. Within 10 days of the lessee delivering up possession of the premises, the lessor is to return the deposit with interest. The lessor may retain all or a portion of the deposit to cover damages or unpaid rent but if this is done, the lessee must be advised of the nature and amount of charges made. If an agreement is not reached between the parties, the lessee may request a decision by the Director at which time the deposited funds are forwarded and held in trust by the Director. An investigation is then carried out and a decision is rendered.

The Division received 24 applications involving security deposits during this reporting period. This is a decrease of 3 over the previous year's total of 27 applications.

C. Termination of Rental Agreements

The *Act* provides for limited security of tenure for the lessee whereby the lessee must be given in writing the proper notice and the reason for the termination of the rental agreement. Termination is allowed only for the reasons set out in Sections 13, 14 and 15 of the *Act*.

In 2000-01, the Division received 52 applications involving the termination of rental agreements during the reporting period. This represents a decrease of 4 from the previous year's level of 56 applications.

D. Rent Increases

Each year the Director invites written representation from lessors and lessees to assist in establishing the annual prescribed percentage rent increase. The Director is responsible for preparing background material for the Commission on this issue, with the Commission responsible for making the decision on the allowable percentage rent increase for the coming year. The allowable percentage rent increase for 2000 was 1.5%. Any rent increase exceeding the established amount requires approval by the Director before being charged and collected.

During the reporting period the Division received 9 applications involving rent increases. This represents a decrease of 2 from the previous year's level of 11 applications.

E. Appeals to the Commission

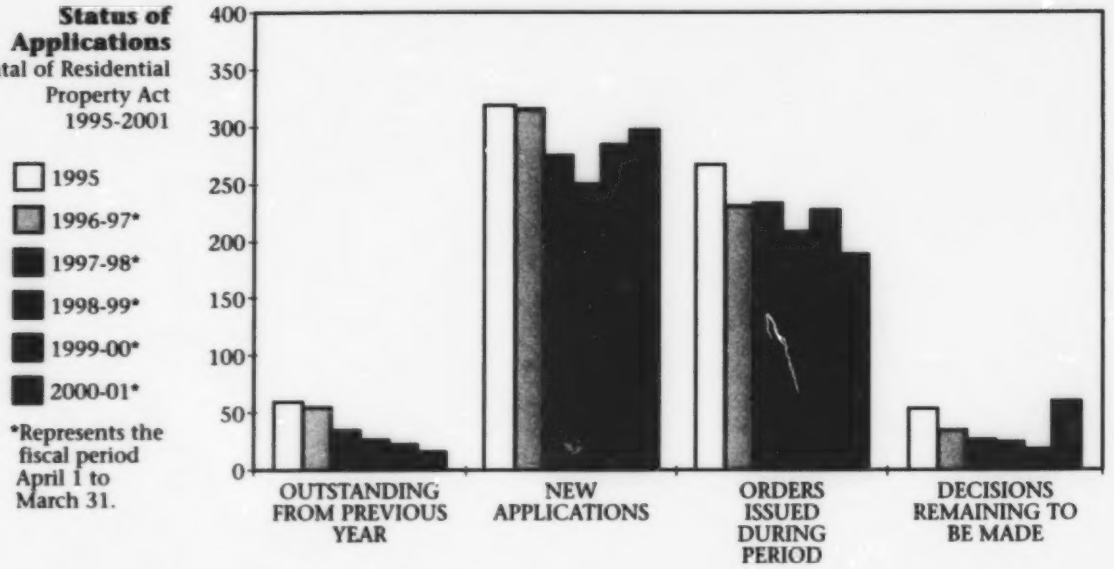
The Commission has the power to hear appeals from the decisions of the Director. Of the 202 orders issued on rental matters during the reporting period, 9 were appealed and resulted in Commission decisions. During 1999-00 there were 7 appealed of the 226 orders issued.

F. Significant Events

During this reporting period, the Division continued to automate its information management system to assist with tracking and reporting rental applications and rental inquiries. The system allows for up-to-date information to be accessed and includes such data as the nature of the application or the inquiry, the parties involved and the current status of applications.

FIGURE 1

Status of Applications
Rental of Residential Property Act
1995-2001



*Represents the fiscal period April 1 to March 31.

TABLE 1

Nature of New Applications
Rental of Residential Property Act
1995-2001

NATURE OF NEW APPLICATIONS	1995	1996 -97*	1997 -98*	1998 -99*	1999 -00*	2000 -01*
DETERMINATION OF SECURITY DEPOSITS	26	9	29	25	27	24
BREACH OF STATUTORY CONDITIONS						
Condition of Premises	16	34	25	24	25	21
Services	11	12	5	3	10	19
Good Behavior	1	0	1	0	0	0
Lessee Cleanliness and/or Damages	0	0	0	0	0	0
Sublet by Lessee	0	0	0	0	0	0
Entry of Premises	1	2	1	1	0	0
Entry Doors	0	1	1	0	1	2
Late Penalty Payment	0	0	0	0	0	0
Quiet Enjoyment	2	2	1	5	1	1
Mobile Homes	0	0	0	2	1	0
Lessee Delivery of Possession	45	61	40	37	56	64
Security Deposit	35	26	33	18	15	16
Rent	114	92	81	96	64	76
Personal Property	0	0	0	0	0	7
Other	0	3	4	6	10	0
TERMINATION	48	55	38	27	56	52
RENT INCREASE	19	19	15	8	11	9
TOTAL	318	316	274	252	277	291

* Represents the fiscal period April 1 to March 31.

TABLE 2

Orders Issued
Rental of Residential Property Act 1995-2001

	1995	1996 -97*	1997 -98*	1998 -99*	1999 -00*	2000 -01*
Determination of Security Deposits	27	9	26	20	28	16
Breach of Statutory Conditions	190	177	164	163	152	137
Termination	32	27	27	22	37	37
Rent Increase	18	17	14	10	9	12
TOTAL	**267**	**230**	**231**	**215**	**226**	**202**

* Represents the fiscal period April 1 to March 31.

TABLE 3

Inquiries
Rental of Residential Property Act 1995-2001

NATURE OF INQUIRY	1995	1996 -97*	1997 -98*	1998 -99*	1999 -00*	2000 -01*
BREACH OF STATUTORY CONDITIONS						
Condition of Premises	765	1,151	1,003	980	1,450	1,346
Services	485	841	612	509	541	660
Good Behavior	102	494	333	232	427	357
Lessee Cleanliness and/or Damages	173	400	764	780	612	593
Sublet by Lessee	44	20	27	55	52	41
Entry of Premises	160	275	248	246	248	247
Entry Doors	52	87	55	50	71	72
Late Penalty Payment	10	12	9	10	11	11
Quiet Enjoyment	237	126	90	138	229	2/3
Lessee Delivery of Possession	390	573	392	418	476	482
Mobile Homes	3	20	17	92	79	75
Rent	2,502	3,468	2,748	2,741	2,818	3,264
Other Statutory Conditions	349	287	231	315	361	410
Personal Property	0	0	0	0	0	34
No Statutory Condition Specified	0	0	0	0	0	0
SECURITY DEPOSITS	1,744	1,821	1,964	1,849	1,646	1,693
TERMINATION	2,983	3,748	3,357	3,182	3,240	3,538
RENT INCREASE	927	714	598	472	505	737
OTHER	451	1,150	1,576	1,519	1,111	1,272
TOTAL	**11,377**	**15,187**	**14,024**	**13,588**	**13,877**	**15,105**

Note: There are some (Office or Telephone) calls which involve more than one category inquiry.
*Represents the fiscal period April 1 to March 31.

Technical and Regulatory Services Division Report

Technical and Regulatory Services Division Report

1. Introduction

Under the direction of the Commission, the Commission's newly formed Technical and Regulatory Services Division is responsible for petroleum licensing and price regulation as well as utility monitoring or regulation. The division is also responsible for information technology planning, management and support and the administration of revenue tax appeals.

2. Petroleum

Petroleum regulation in Prince Edward Island is governed by the *Petroleum Products Act*, R.S.P.E.I. 1988, Cap. P-5.1. The purpose of the *Act* is set out in Section 2, which reads as follows:

> *2. The purpose of this Act is to regulate the distribution and sale of petroleum products within the Province of Prince Edward Island for use within the province, and the type, location, and operation of facilities and equipment associated therewith, and to ensure at all times a just and reasonable price for heating fuel and motor fuel to consumers and licensees within the province.*

Under the *Act*, no wholesaler or wholesaler-retailer shall bring into the province, cause another to bring into the province or distribute within the province, any petroleum product unless that wholesaler or wholesaler-retailer holds a license authorizing such activities. The *Act* also provides that no retailer, wholesaler or wholesaler-retailer shall sell or furnish any petroleum product or keep any petroleum product for sale at an outlet unless that retailer, wholesaler or wholesaler-retailer is the holder of a license with respect to each such outlet, and then only as specified in the license and subject to the *Act* and Regulations.

In the area of petroleum licensing, Section 20 of the *Act* requires that the Commission, when issuing a retailer's license, consider the public interest, convenience and necessity by applying such criteria as the Commission may from time to time consider advisable. This includes, but is not restricted to, a consideration of the demand for the proposed service, the location of the outlet, traffic flows and the applicant's record of performance.

In addition, there is a requirement on the Commission, when dealing with applications for annual renewal of all licenses, to consider whether the licensee is in a position to ensure an adequate supply of product during the coming year, the quantity of petroleum products sold in the previous year and the quality of service which the outlet renders to the community in which it is situated. The Commission expects to receive a minimum of three months' notice, especially in the case of wholesaler-owned outlets, of an intention to close a licensed outlet or remove a licensed service. Wholesale licenses bear the following condition:

> *It is a condition of this wholesale license that the licensee shall supply petroleum products and related services to any retailer or consumer who seeks same, unless approval of an exception to the condition has been first obtained from the Commission.*

It is an important principle in regulation that, when a license is issued under the *Act*, a licensee cannot service customers selectively nor can a licensee arbitrarily discriminate against certain customers. It is a requirement of the Commission that products and services be provided in accordance with the class of license issued as prescribed by section 63 of the *Act*.

In the area of petroleum pricing, the Commission's legislative mandate requires that it ensure a just and reasonable price for heating and motor fuels to consumers and licensees within the Province. In addition to dealing with individual applications for price changes to wholesalers' dealer and posted consumer prices, the Commission monitors available pricing information from local, national and international sources.

The Commission also has the responsibility of determining retailers' minimum and maximum markups. Currently, the authorized minimum markup is 4.0 cents and a maximum of 5.5 cents per litre at self-serve pumps and a minimum of 5.0 cents and a maximum of 6.5 cents per litre at full-serve pumps. In addition, the markup selected by a dealer for each mode of service must be consistently applied to each grade of gasoline sold or offered for sale at the outlet. At split-serve outlets, diesel fuel and each grade of gasoline sold at self-serve pumps must be priced at least one cent lower than the prices at which full-serve diesel fuel and each grade of gasoline are being offered for sale.

All petroleum product price changes authorized by the Commission are the subject of public notice. The Commission continues to periodically publish approved posted consumer prices of furnace fuel, as well as pump prices of the various grades of gasoline and diesel fuel. Appended are examples of these public notices indicating prices that were in effect as of March 31, 2000 and as of March 31, 2001, as well as a graph indicating the various pricing components that combined to form the total pump price of regular gasoline on each of those dates.

3. Public Utilities & Revenue Tax Appeals

In the area of public utilities, the Commission derives its authority under the *Electric Power and Telephone Act*, the *Maritime Electric Company Limited Regulation Act* and the *Water and Sewerage Act*. The authority to hear revenue tax appeals is derived from the *Revenue Administration Act*.

In the area of electric utilities, limited sections of the *Electric Power and Telephone Act*[1] continue to apply to both Maritime Electric Company, Limited and the City of Summerside Municipal Electric Utility. Under the *Maritime Electric Company Limited Regulation Act*, the Commission's role is limited to that of monitoring the utility's compliance with the legislation as well as the disposition of formal complaints. Under the *Electric Power and Telephone Act City of Summerside Electric Utility Exemption Regulations* – which came into force on February 24, 1996 – a similar regime of compliance monitoring and complaint disposition has been established. Both utilities are now effectively exempt from economic regulation.

Effective January 1, 1998, rates charged by Maritime Electric under the *Maritime Electric Company Limited Regulation Act* were benchmarked against rates charged by the New Brunswick Power Corporation (NB Power). Under the *City of Summerside Electric Utility Exemption Regulations*, Summerside Electric's rates were similarly established.

Specifically, sections 7.(2) and 7.(4) of the *Maritime Electric Company Limited Regulation Act* state as follows:

> *7. (2) The Utility shall file a tariff as and when required, to provide that on January 1, 1995, July 1, 1995, January 1, 1996, July 1, 1996, January 1, 1997 and July 1, 1997 the rates shall be reduced by one percent, so that each rate shall be 99% of the equivalent rate in effect in the immediately preceding six month period.*
>
> *7. (4) The Utility shall file a tariff to be effective January 1, 1998, under which the rates shall be such that the amounts payable by customers in each rate classification shall not exceed 110% of the amount that would be payable if the customers in that classification were served in New Brunswick by the New Brunswick Power Corporation.*

1. Telecommunications regulation in Prince Edward Island is a federal responsibility administered by the Canadian Radio-television and Telecommunications Commission (CRTC).

Sections 2.(e), (f) and (g) of the *Electric Power and Telephone Act City of Summerside Electric Utility Exemption Regulations* provide as follows:

> *2.(e) that customers of the utility located outside the boundaries of the City of Summerside receive service at the same rates as customers located inside the boundaries of the City of Summerside, to December 31, 1997;*
>
> *(f) that effective January 1, 1998, customers of the utility located outside the boundaries of the City of Summerside shall receive service at rates which shall not exceed 110% of the amount that would be payable if the customers in that classification were served in New Brunswick by the New Brunswick Power Corporation;*
>
> *(g) that prior to January 1, 1998, the utility shall file terms and conditions and ancillary charges under which the utility shall provide service after January 1, 1998 to customers of the utility located outside the boundaries of the City of Summerside, using the following criteria:*
>
> > *(i) the ancillary charges shall not exceed 110% of the most nearly equivalent ancillary charges imposed or required by the New Brunswick Power Corporation of its customers in New Brunswick, and*
> >
> > *(ii) the terms and conditions of service shall, in their entirety be not less favourable to the utility's outside customers generally, than are the most equivalent terms and conditions of service of the New Brunswick Power Corporation to its customers in New Brunswick.*

Under the *Water and Sewerage Act*, the Commission regulates certain[2] municipal and private utilities operating water or wastewater management facilities in Prince Edward Island, including establishing and monitoring rates for these utilities.

Under the *Revenue Administration Act*, the Commission acts as an appellate tribunal that hears appeals from decisions of the Provincial Tax Commissioner in relation to tax assessments made under several provincial revenue acts.

4. Information Technology

The integration of the Commission's public web site and internal database management and other systems continues to be a major development initiative. The integration of the Commission's internal systems with the public web site is intended to assist clients and the public in accessing information in a timelier fashion. The public website – online since 1997 – continues to see a marked increase in visitors. At present, some 25,000 visitors a year log on to the site.

In addition to systems integration work, development time was invested in the completion of on-line forms as well as the completion of the conversion of office consolidations of legislation and regulations relevant to the Commission to a format suitable to the Internet. The on-line forms, all of which can now be completed online and printed, have been well received by the public.

New initiatives this year include the development of mapping technology in the lands protection area and further work in the integration of internal and public information systems.

5. Regulatory Highlights

Petroleum

During the period covered by this report, the Commission dealt with ninety applications by wholesalers relating to pricing adjustments and issued ninety-two formal Orders relating to petroleum regulation.

2. The utilities operating in the cities of Charlottetown and Summerside and the towns of Stratford and Cornwall are exempt from the jurisdiction of the Commission.

Nine wholesalers were licensed (See Table 1) under the Act: Ultramar Ltd., Shell Canada Products Limited, Imperial Oil Limited, Irving Oil Limited, Petro-Canada, Co-Op Atlantic, Superior Propane Inc., Wilson Fuels Ltd. and Emera Fuels. Irving handles propane in addition to the other common petroleum products and Superior handles propane only.

Following are annual statistical data for the calendar years 1991-2000 inclusive. Schedules also follow indicating the average maximum self-serve gasoline prices in effect in this Province as of February of each year for the years 1986 to 2000 inclusive.

Also provided are statistics relating to average gasoline volume per retail outlet (general merchant/service station/garage) and sales of gasoline by grades for the years 1991 to 2000 inclusive.

Electric Utilities

Since January 1, 1998, new Rate Schedules and Policies (RSP) Manuals have been in effect for Maritime Electric Company, Limited and the City of Summerside Municipal Electric Utility.

The policies established in the manuals – like the rates themselves – are based on those in effect in New Brunswick, and replace the *Prince Edward Island Electric Utilities General Rules & Regulations* formerly in effect.

Effective January 1, 2001, Maritime Electric increased its rates by 4.53 percent. The increase was made by the Company under Section 11 *Maritime Electric Company Limited Regulation Act*, which reads as follows:

> *11. (1) For the purpose of this Act, the amount that would be payable if customers were served in New Brunswick by the New Brunswick Power Corporation shall be adjusted to the extent necessary to remove any subsidy or the benefit of any subsidy which is provided directly or indirectly by any government or governmental agency to reduce the cost of electricity in New Brunswick to customers generally, or to particular customers or classes of customers, and the amount used as the amount that would be payable is the sum of the amount that is payable, and the subsidy or the benefit thereof.*
>
> *(2) For greater certainty, any reduction in the cost of service inherent in the status of the New Brunswick Power Corporation as a Crown corporation in New Brunswick does not, in itself, constitute a subsidy within the meaning of subsection (1).*

In submissions made to the Commission respecting the January 1, 2001 rate increase, the Company argued that NB Power's rates were being subsidized by the Government of New Brunswick. More specifically, the Company submitted that the write down of some 450 million dollars of the accounting value of the Point Lepreau nuclear generating station constituted a subsidy in that NB Power's customers have been relieved of having to pay, through rates, the 450 million dollars. According to the Company, the write down, which is supported by the New Brunswick Government, reduces the cost of electricity for consumers in New Brunswick and is therefore a subsidy. The January 1, 2001 rate increase represents the Company's calculation of the level of subsidy.

A public hearing into the increase commenced on January 30, 2001. As a result of certain legal issues that arose at the opening day of the hearing, the proceeding was recessed and, as of March 31, 2001 has not reconvened. The 4.53% rate increase remains in effect.

Statistical reports provided in this section include information on operating costs and the distribution of sales for Maritime Electric and City of Summerside Electric.

Water and Wastewater Utilities

In response to applications for approval of system extensions, the Commission issued two permits for construction or amendments to utilities' systems during the reporting period. Work included service extensions in the Towns of Kensington and Montague.

The low number of service extensions or upgrades again this year appears to be related to the limited availability of grant money from the federal and provincial governments. It is expected that, with the pending announcement in the Spring of 2001 of the availability of federal-provincial infrastructure development programs, service extensions or upgrades will increase during 2001-2002.

In 1997, the Commission adopted a new uniform system of accounts for water and sanitary sewerage utilities, including the implementation of new annual report forms. The first phase of the project saw eight utilities introduced to the new system. The remaining utilities were introduced to the new system in 1998-1999, including site visits to each utility to describe the changes being implemented. Work continues in this area and, with the odd exception, the new system of accounts has been well received by the utilities under the Commission's jurisdiction as well as the accounting community.

Numerous utility-related inquiries and complaints were also dealt with during this reporting period.

Revenue (Sales) Tax Appeals

On May 18, 2000, the Commission issued Order UT00-1 in the matter of an appeal by Island Tel against a decision of the Provincial Tax Commissioner, dated March 27, 1997. In June 2000, the Commission was advised that Island Tel had appealed certain elements of the Commission's order in this matter to the P.E.I. Supreme Court, Appeal Division. The court hearing is scheduled for May, 2001.

On May 30, 2000 the Commission issued Order UT00-2 in the matter of an appeal of Patricia Nunn against a decision of the Provincial Tax Commissioner. The Order affirmed the decision of the Tax Commission and dismissed the appeal. The appeal related to taxes assessed on a travel-trailer that was no longer in Ms. Nunn's procession.

During the reporting period, an appeal filed by Irving Pulp & Paper, Limited (Cavendish Farms) against a decision of the Provincial Tax Commissioner was held in abeyance at the request of the Appellant. Another appeal filed by a management consulting firm against a decision of the Provincial Tax Commissioner is expected to be heard in August, 2001.

Statistical information following in this section of the report is based, for the most part, on data for the calendar year 2000.

THE ISLAND REGULATORY AND APPEALS COMMISSION

Notice re Petroleum Prices

Approved Minimum and Maximum Prices

Following are the approved minimum & maximum pump prices in cents per litre of gasolines and diesel fuels in P.E.I. Prices include allowable dealer markups*, the taxes noted below and GST. Dealers may price anywhere within the ranges provided markup is consistent on all gasoline grades and at split-serve outlets, self-serve prices are at least one cent below full-serve prices.

BRAND	Full-Serve Pump Prices MIN. *(5.0)	Full-Serve Pump Prices MAX. (6.5)	Self-Serve Pump Prices MIN. (4.0)	Self-Serve Pump Prices MAX. (5.5)
ULTRAMAR				
Regular Unleaded	64.9	66.6	63.9	65.5
Mid-Grade Unleaded	67.1	68.7	66.0	67.6
Premium Unleaded	69.1	70.7	68.1	69.7
Low Sulphur Diesel	65.7	67.3	64.6	66.2
SHELL CANADA				
Regular Unleaded	64.6	66.2	64.5	66.1
Mid-Grade Unleaded	66.8	68.4	65.7	67.3
Premium Unleaded	68.8	70.4	67.7	69.3
Low Sulphur Diesel	65.3	66.9	64.2	65.8
IMPERIAL OIL				
Regular Unleaded	65.6	67.2	64.5	66.1
Mid-Grade Unleaded	67.7	69.3	66.7	68.3
Premium Unleaded	69.8	71.4	68.7	70.3
Low Sulphur Diesel	65.4	67.0	64.3	65.9
IRVING OIL				
Regular Unleaded	65.1	66.7	64.0	65.6
Mid-Grade Unleaded	67.2	68.8	66.1	67.7
Premium Unleaded	69.2	70.8	68.2	69.8
Low Sulphur Diesel	65.7	67.3	64.6	66.2
PETRO-CANADA				
Regular Unleaded	65.7	67.3	64.6	66.2
Mid-Grade Unleaded	67.8	69.4	66.8	68.4
Premium Unleaded	69.9	71.5	68.8	70.4
Low Sulphur Diesel	65.7	67.3	64.6	66.2
CO-OP ATLANTIC				
Regular Unleaded	64.5	66.1		
Mid-Grade Unleaded	66.7	68.3		
Premium Unleaded	68.7	70.3	N/A	
Low Sulphur Diesel	65.7	67.3		

PRICES INCLUDE Provincial Tax of 13.0 cents/litre on all grades of gasoline and 13.5 cents/litre on diesel fuel. Federal Excise Tax is 10.0 cents/litre on gasoline and 4.0 cents/litre on diesel.

POSTED FURNACE FUEL PRICES are as follows, PLUS 7% GST:

ULTRAMAR	43.8	**IRVING OIL**	43.8
SHELL CANADA	43.0	**PETRO-CANADA**	43.7
IMPERIAL OIL	43.3	**CO-OP ATLANTIC**	43.1

NOTE: Prices are in cents per litre and are based on dealer and posted consumer prices in effect as of 19 MARCH 2000. Prices may change without notice with approval or tax revision.

THE ISLAND REGULATORY AND APPEALS COMMISSION
Prince Edward Island
Île-du-Prince-Édouard
CANADA

Petroleum Prices

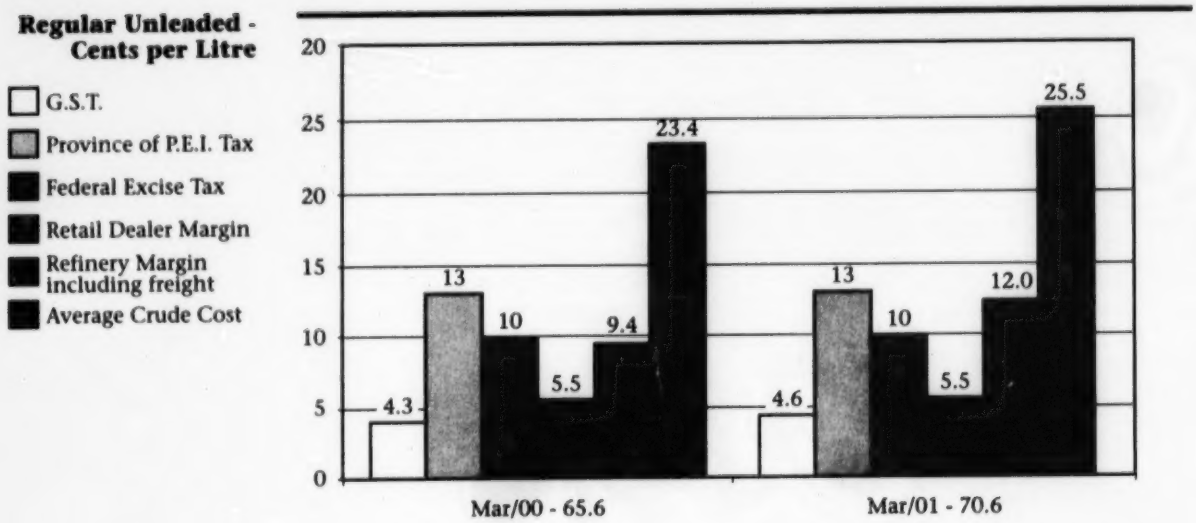
Following are the approved pump prices in cents per litre of gasolines and diesel fuels in P.E.I. for the month of March, 2001. Dealers may price anywhere within the following ranges provided *allowable dealer markups are consistently applied to all grades of gasoline, and at split-serve outlets, self-serve prices are at least one cent per litre below full-serve prices.

BRAND	Full-Serve Pump Prices MIN. *(5.0)	Full-Serve Pump Prices MAX. (6.5)	Self-Serve Pump Prices MIN. (4.0)	Self-Serve Pump Prices MAX. (5.5)
ULTRAMAR				
Regular Unleaded	69.8	71.4	68.7	70.3
Mid-Grade Unleaded	71.9	73.5	70.8	72.4
Premium Unleaded	73.9	75.5	72.9	74.5
Low Sulphur Diesel	66.4	68.1	65.4	67.0
SHELL CANADA				
Regular Unleaded	70.1	71.7	68.8	70.4
Mid-Grade Unleaded	72.2	73.8	71.2	72.8
Premium Unleaded	74.3	75.9	73.2	74.8
Low Sulphur Diesel	66.4	68.1	65.4	67.0
IMPERIAL OIL				
Regular Unleaded	69.9	71.5	68.8	70.4
Mid-Grade Unleaded	72.0	73.6	70.9	72.5
Premium Unleaded	74.0	75.6	73.0	74.6
Low Sulphur Diesel	66.2	67.8	65.2	66.8
IRVING OIL				
Regular Unleaded	69.7	71.3	68.6	70.2
Mid-Grade Unleaded	71.8	73.4	70.7	72.3
Premium Unleaded	73.8	75.4	72.8	74.4
Low Sulphur Diesel	66.6	68.2	65.5	67.1
PETRO-CANADA				
Regular Unleaded	70.8	72.4	69.8	71.4
Mid-Grade Unleaded	73.0	74.6	71.9	73.5
Premium Unleaded	75.0	76.6	73.9	75.5
Low Sulphur Diesel	67.4	69.0	66.3	67.9
CO-OP ATLANTIC				
Regular Unleaded	69.9	71.5		
Mid-Grade Unleaded	72.0	73.6		
Premium Unleaded	74.0	75.6	N/A	
Low Sulphur Diesel	67.2	68.8		

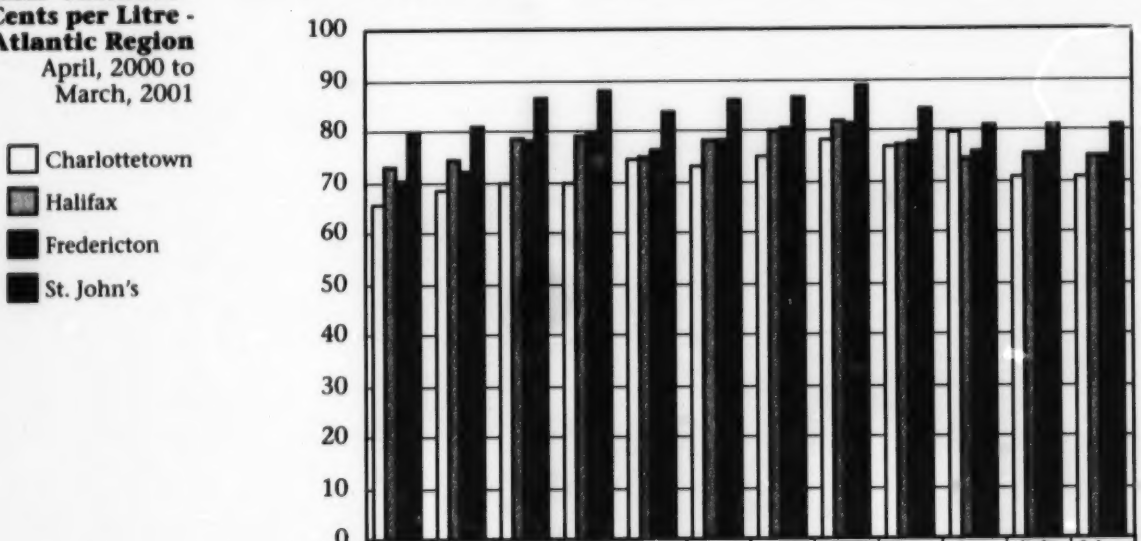
POSTED FURNACE FUEL PRICES are as follows, PLUS 7% GST:

ULTRAMAR	47.5	**IRVING OIL**	47.6
SHELL CANADA	47.1	**PETRO-CANADA**	47.6
IMPERIAL OIL	47.1	**CO-OP ATLANTIC**	47.5

Regular Unleaded - Cents per Litre



Regular Unleaded - Cents per Litre - Atlantic Region
April, 2000 to March, 2001



	April 2000	May 2000	June 2000	July 2000	Aug. 2000	Sept. 2000	Oct. 2000	Nov. 2000	Dec. 2000	Jan. 2001	Feb. 2001	Mar. 2001
Ch'town	65.7	68.6	69.8	69.8	74.6	73	74.8	78	76.6	79.5	70.5	70.5
Halifax	73.2	74.3	78.4	78.9	74.7	78.3	79.8	81.7	77.4	74.6	75.3	75.1
Fredericton	70.4	71.9	78.2	79.7	76.1	78.2	80.3	81.2	77.5	75.9	75.5	74.9
St. John's	79.4	80.9	86.6	87.9	83.5	85.9	86.5	88.9	84.3	80.9	80.9	80.9

TABLE 1

Summary of Licenses Issued Under the Petroleum Products Act

Year	Total	Wholesalers	Retail Outlets	Retail Distributors	Tank Trucks
2000	356	9	222	27	98
1999	361	9	224	27	101
1998	364	9	225	30	100
1997	380	9	227	35	109
1996	395	8	247	34	106
1995	405	7	255	35	108
1994	414	8	264	36	106
1993	420	8	272	36	104
1992	426	8	274	36	108
1991	444	8	285	39	112

Note: In addition to the above-noted licenses, since 1992, Slemon Park Corporation has been licensed with respect to the sale of aviation fuels.

TABLE 2

Summary of Retail Outlets by Classification

Year	Total	Stations	Merchants	Garages	Marine	Propane
2000	222	56**	71	10	77	8***
1999	224	66**	63	10	78	7***
1998	225	69**	60	10	78	8***
1997	227	77**	55	11	75	9***
1996	247	87**	50	11	87	12***
1995	255	91**	51	12	89	12***
1994	264	98**	50	13	91	12
1993	272	105**	50	13	93	11
1992	274	106**	51	14	92	11
1991	285	112*	51	16	94	12

*** In addition, dealers of other classes also retail propane
** Two Commercial Diesel Cardlocks included in Stations
* One Commercial Diesel Cardlock included in Stations

TABLE 3

Summary of Petroleum Products Sold (in litres)

Year	Total	Gasoline	Fuel Oils	Diesel	Propane
2000	490,297,347	209,630,327	187,808,918	73,596,810	19,261,292
1999	472,646,329	209,254,079	170,140,141	74,360,432	18,891,677
1998	462,011,050	195,446,662	170,331,531	77,797,268	18,435,589
1997*	478,756,167	193,759,312	189,509,152	75,629,092	19,858,611
1996	462,822,031	191,452,938	172,685,213	77,550,021	21,133,859
1995	449,514,976	186,554,592	171,323,704	72,173,046	19,463,634
1994	445,284,824	185,149,709	179,361,223	61,693,597	19,080,313
1993	428,573,875	177,959,704	177,041,370	55,546,736	18,026,065
1992	409,415,920	173,188,232	164,002,469	54,890,642	17,334,577
1991	406,363,488	173,439,206	161,000,101	54,916,074	17,008,107

* 1997 figures differ from those contained in our previous report due to product transferred between wholesalers being reported as sold.

TABLE 4

***Retail Dealers - Gasoline Volume Statistics**

Year	Volume (Litres)	Number of Outlets	Average Volume/Outlet
2000	196,103,662	135	1,452,619
1999	196,411,799	137	1,433,663
1998	185,286,424	140	1,323,474
1997	179,614,986	141	1,273,865
1996	175,216,972	146	1,200,116
1995	171,511,737	152	1,128,367
1994	168,349,978	159	1,058,805
1993	162,234,393	166	977,316
1992	157,574,624	170	926,910
1991	156,675,026	177	885,170

* Service Stations/Garages/General Merchants

FIGURE 1

Summary of Retail Outlets

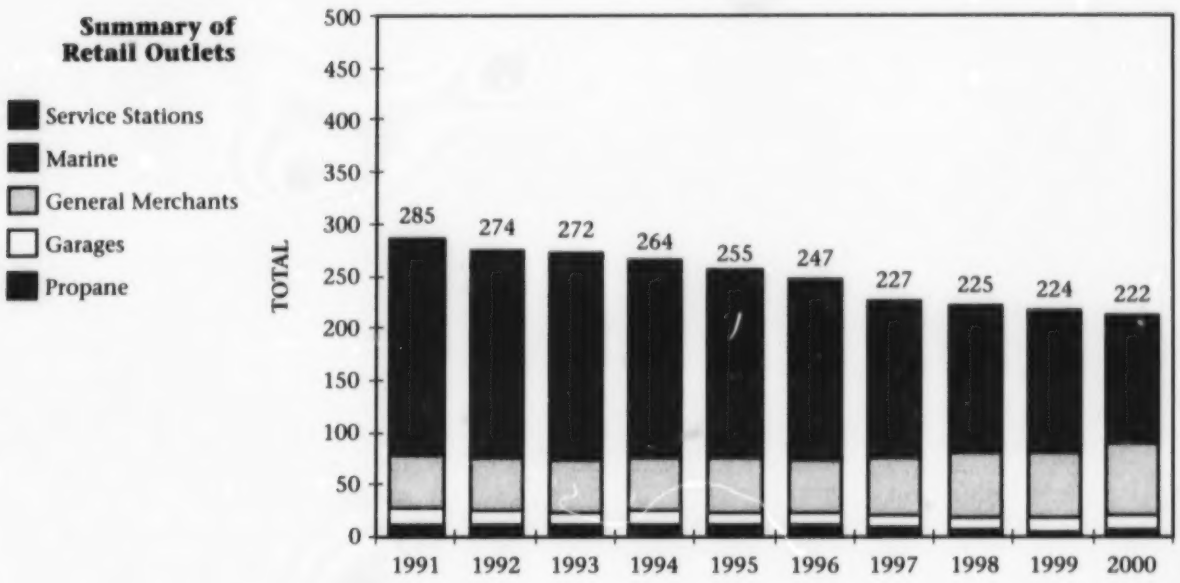


FIGURE 2

Summary of Total Sales

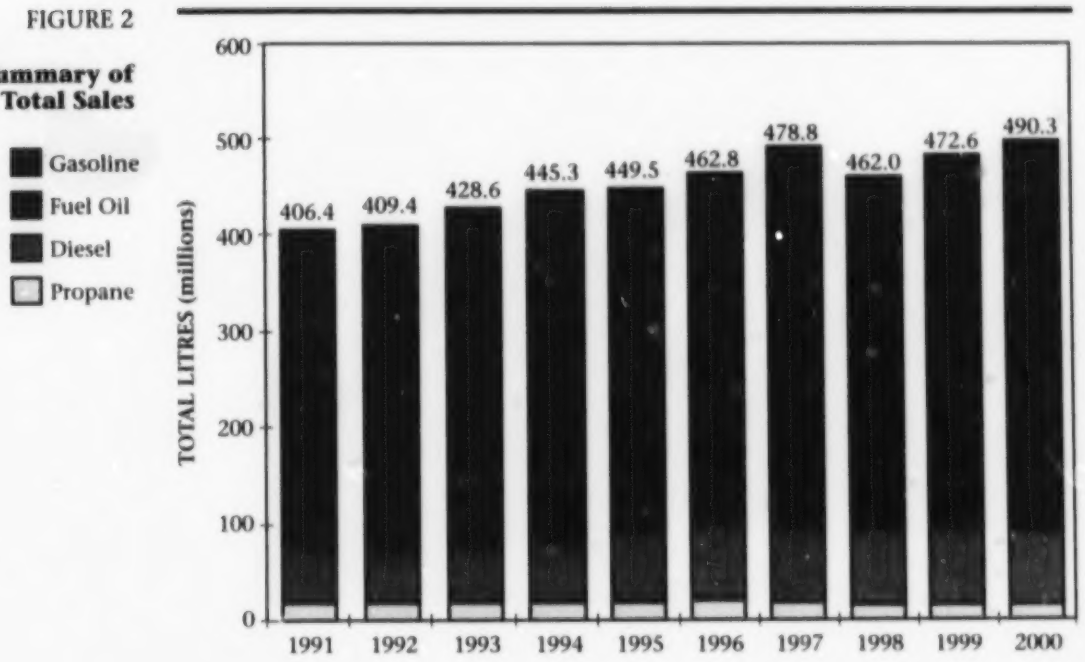


FIGURE 3

Summary of Gasoline Sales Retail
(Excluding Marine)

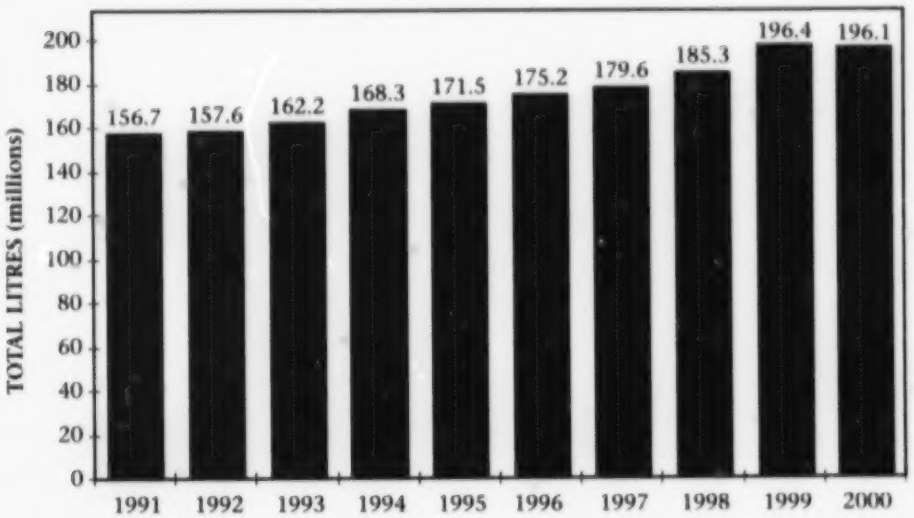


FIGURE 4

Summary of Total Gasoline Sales

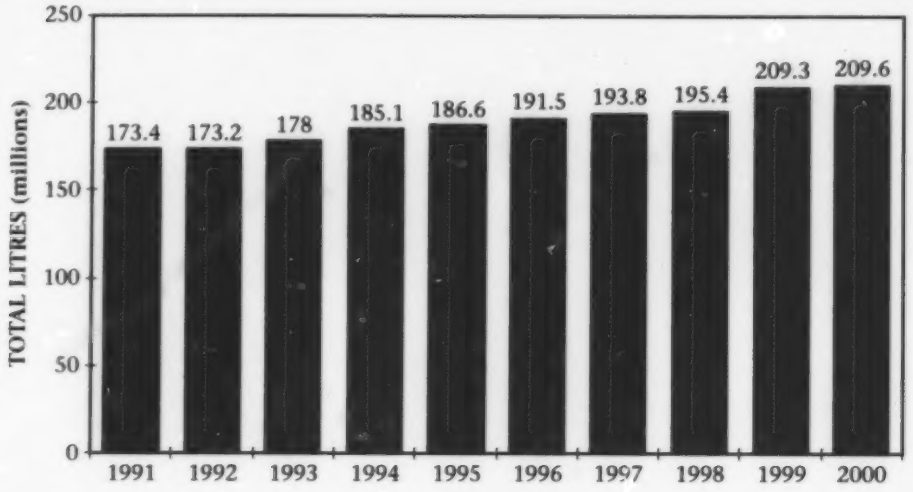


FIGURE 5

Sales of Gasoline by Grades

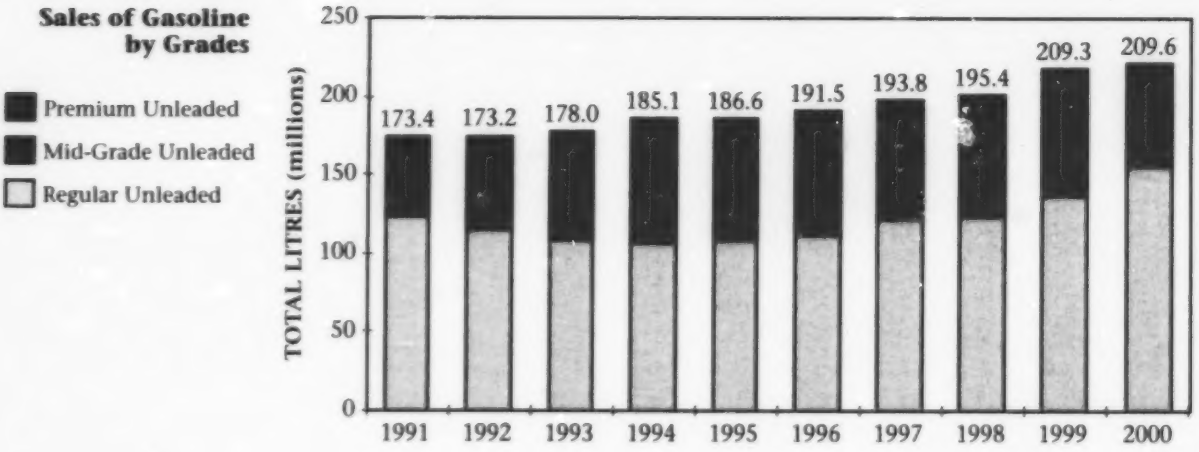
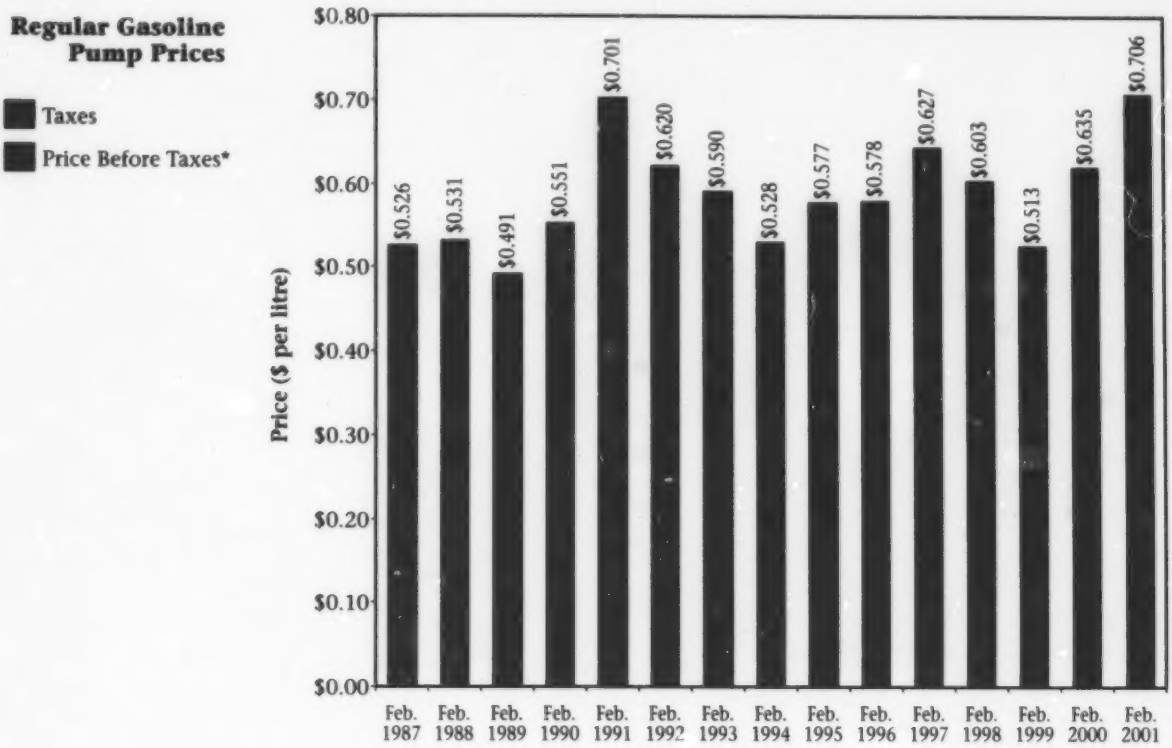


FIGURE 6

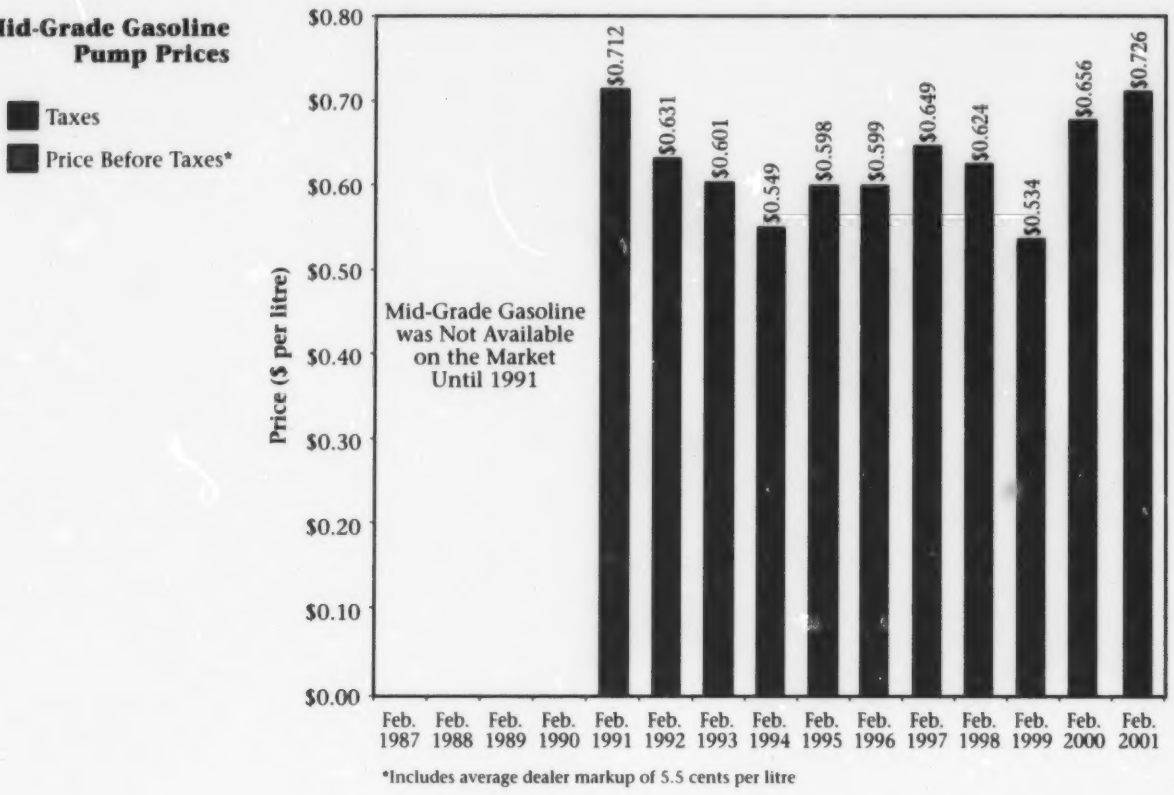
Regular Gasoline Pump Prices



*Includes average dealer markup of 5.5 cents per litre

FIGURE 7

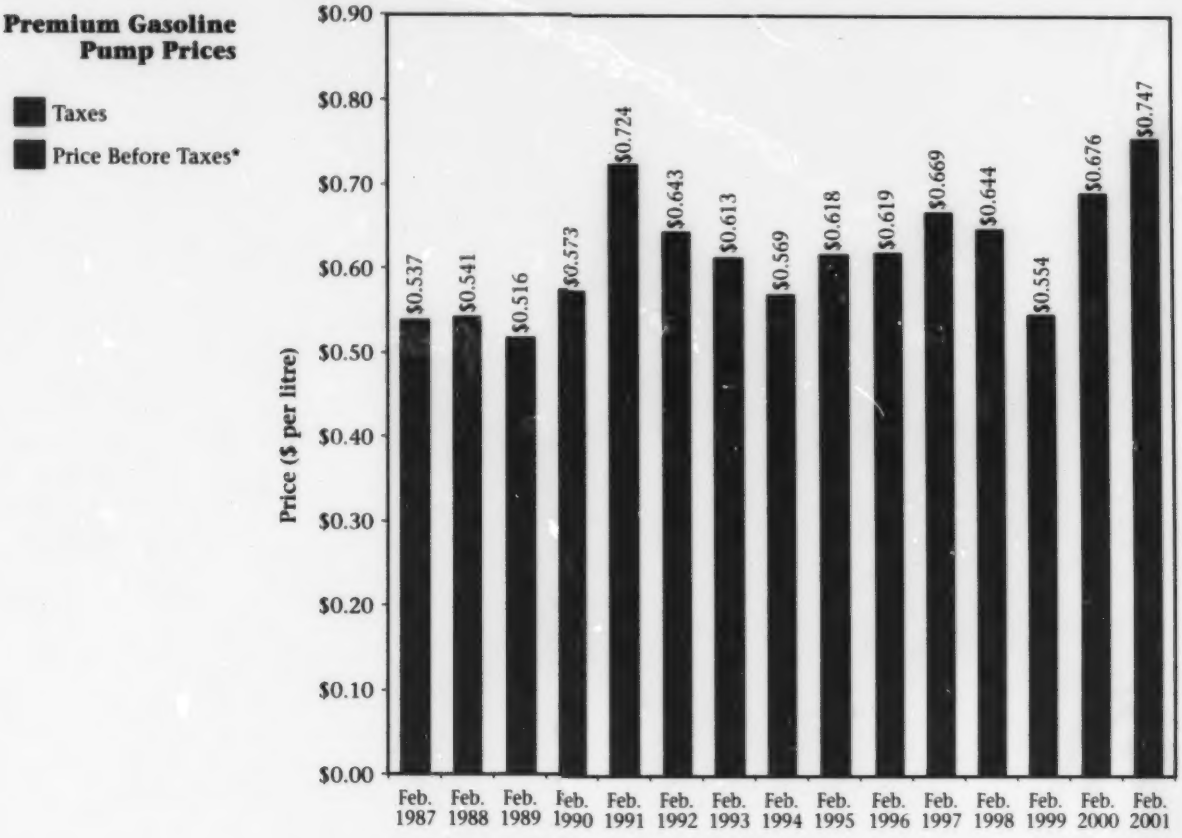
Mid-Grade Gasoline Pump Prices



*Includes average dealer markup of 5.5 cents per litre

FIGURE 8

Premium Gasoline Pump Prices



*Includes average dealer markup of 5.5 cents per litre

Summary of Non-Petroleum Orders Issued
1 April 2000 to
31 March 2001

Date	Order No.	Re.
Apr. 19/00	UW00-1	Montague Sewage and Water Collection and Treatment Corporation An application for an amendment to Commission Order UW98-01 to extend the filing deadline (UW22305).
May 18/00	UT00-1	Island Tel v. Provincial Tax Commissioner An appeal against a decision of the Provincial Tax Commissioner, dated March 27, 1997 (UT97101). The appeal centred on the question of whether certain services provided to the Appellant by Maritime Tel and Tel ("MT&T") of Halifax, Nova Scotia, were goods within the meaning of the *Revenue Tax Act*, R.S.P.E.I. 1988, Cap. R-14, and, if they were, whether the goods were consumed in Prince Edward Island.
May 18/00	UW00-2	Cavendish Sewer Utility An application for approval to amend their sewer tariff to include a dumping charge at its treatment facilities in Cavendish (UW46305).
May 30/00	UT00-2	Patricia Nunn v. Provincial Tax Commissioner An appeal against a decision of the Provincial Tax Commissioner. (UT99104) The appeal related to taxes assessed on a travel-trailor.
Jul. 6/00	UW00-3	Victoria Water Commission An application for approval to amend their tariff of water service rates and charges (UW23303).
Jul. 18/00	UW00-4	North Rustico Sewer and Water Utility An application for approval to increase their tariff of rates and charges for sanitary sewerage services (UW12306).
Nov. 2/00	UW00-5	O'Leary Sewerage Collection and Treatment Corporation An application for approval to implement a metered rate and surcharge for large commercial – industrial customers. (UW05303)
Feb. 19/01	UE01-1	Maritime Electric Company, Limited Re: the January 1, 2001 Tariff filing of Maritime Electric Company, Limited. (UE20927) The Order addresses a question of law that arose on January 30, 2001 during a hearing into the January 1, 2001 Tariff filing of Maritime Electric Company, Limited (the "Company").
Mar. 6/01	UE01-2	Maritime Electric Company, Limited Re: the January 1, 2001 Tariff filing of Maritime Electric Company, Limited. (UE20927) A request for review of Order UE01-1.

FIGURE 1

Current Single-Family Dwelling Charge Sewerage Utilities

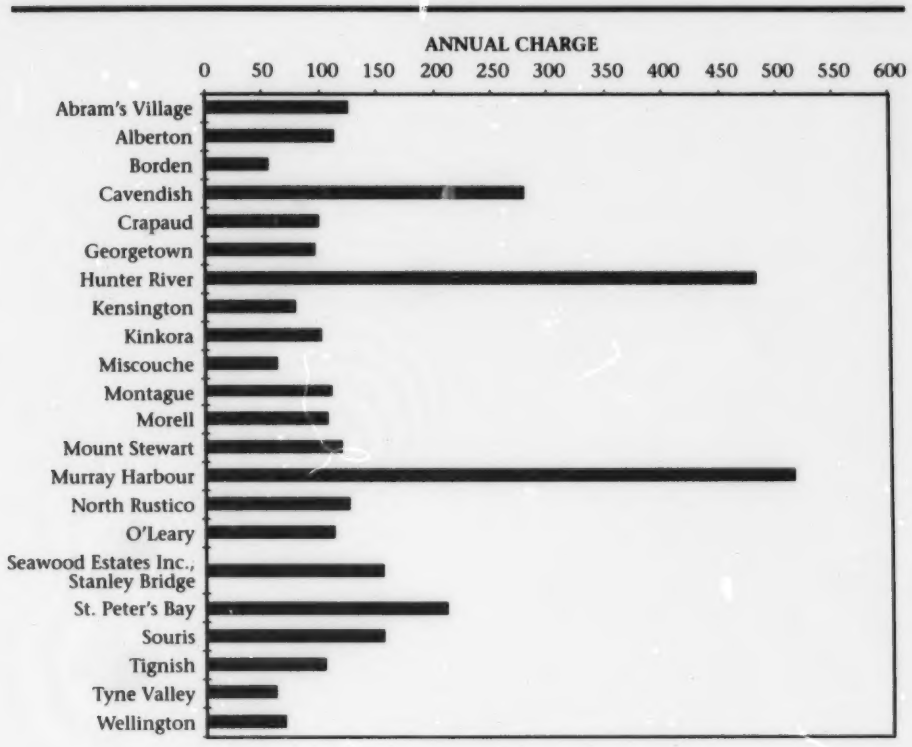


FIGURE 2

Current Single-Family Dwelling Charge Water Utilities

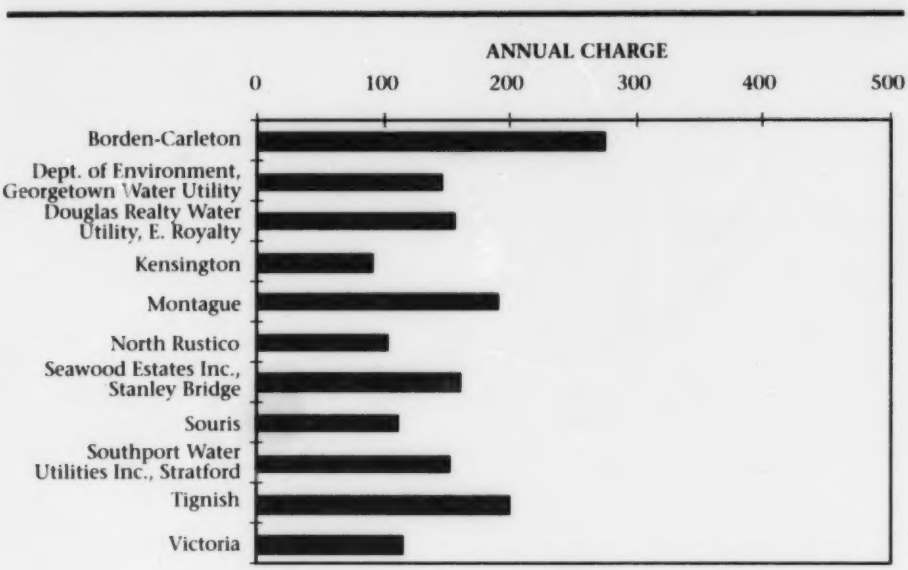
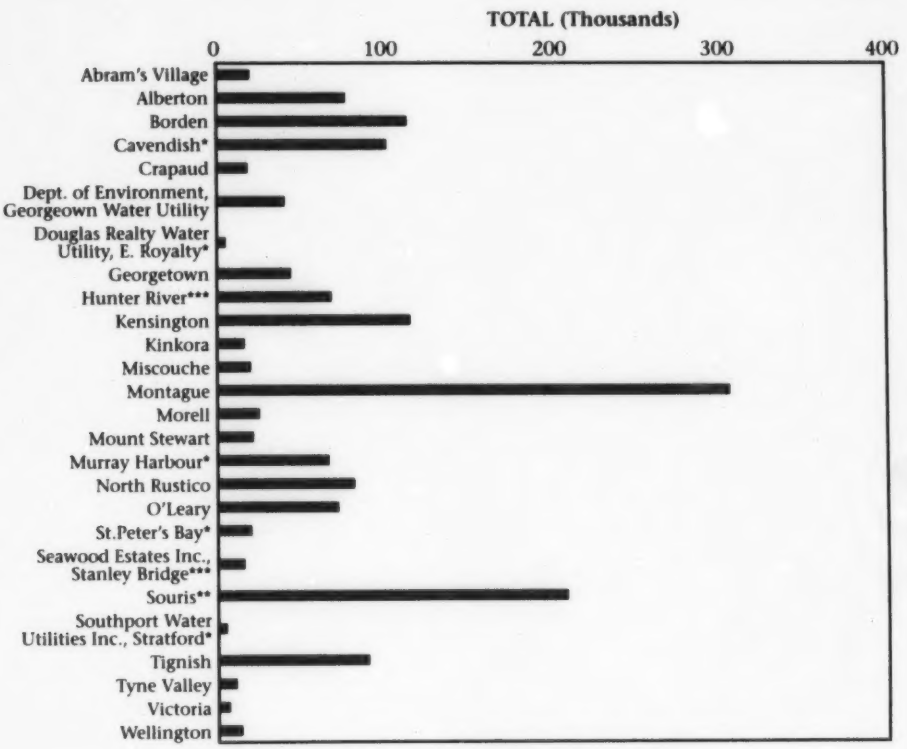


FIGURE 3

Municipal Water and Sewerage Utilities 2000 Total Revenues



* Total revenues based on 1999 figures
** Total revenues based on 1997 figures
*** Total revenues based on 1996 figures

Public Utilities
Maritime Electric

FIGURE 1

Electricity Costs Compared to the Consumer Price Index
January 1, 1991 - March 31, 2001

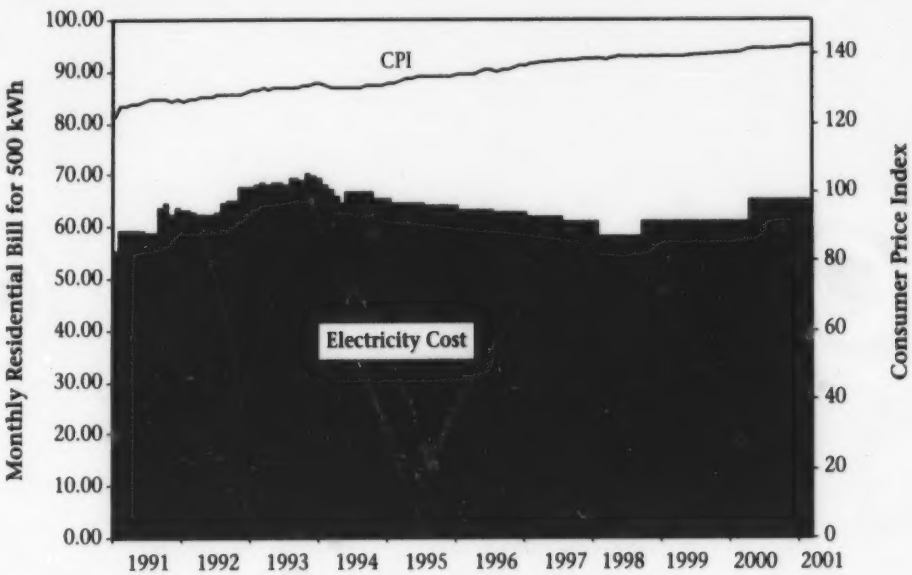


FIGURE 2

Selected Financial Data

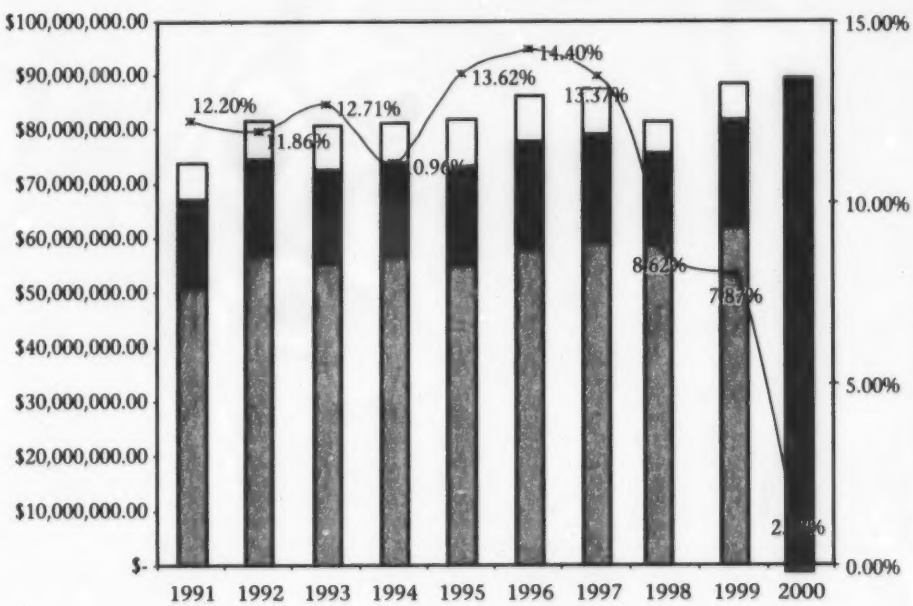


FIGURE 3

Selected Operating Data

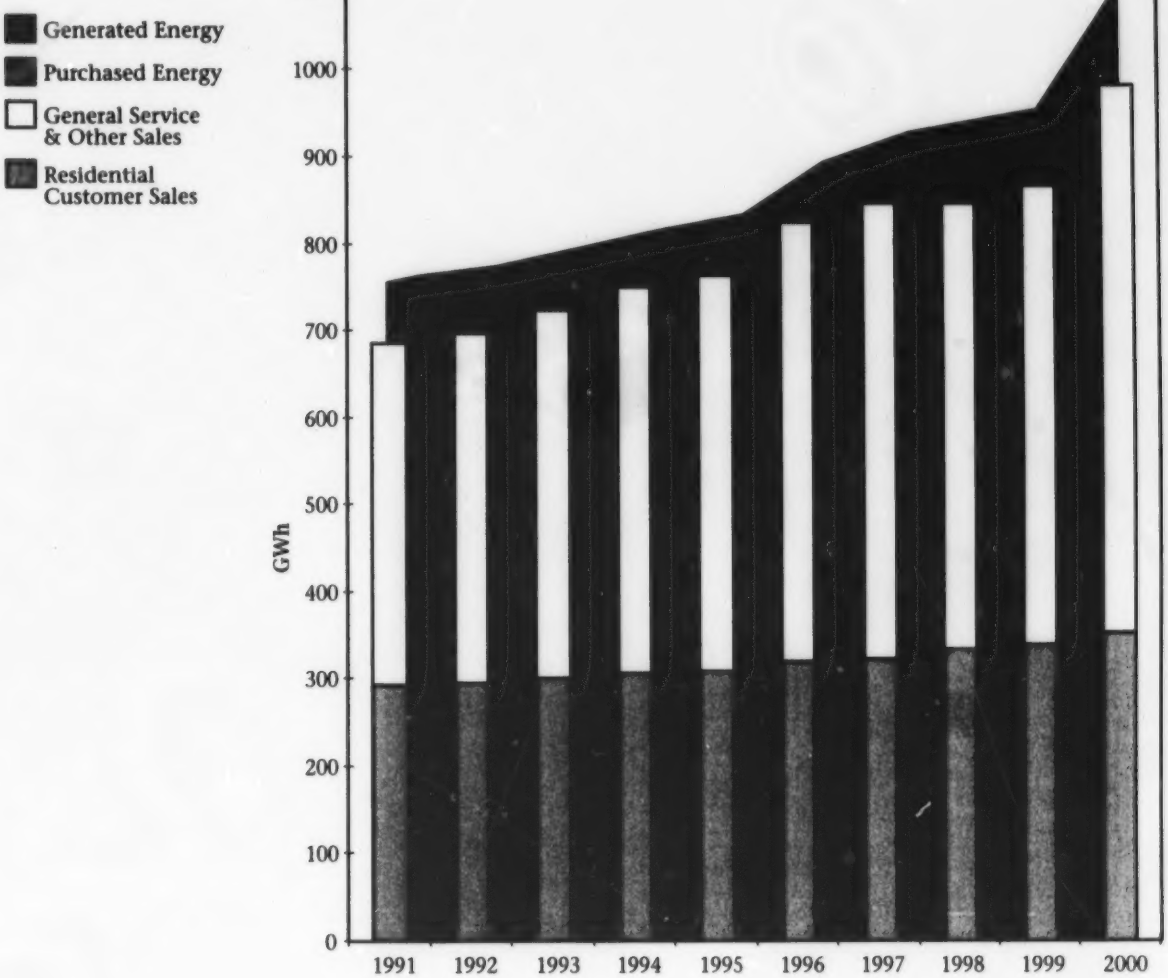
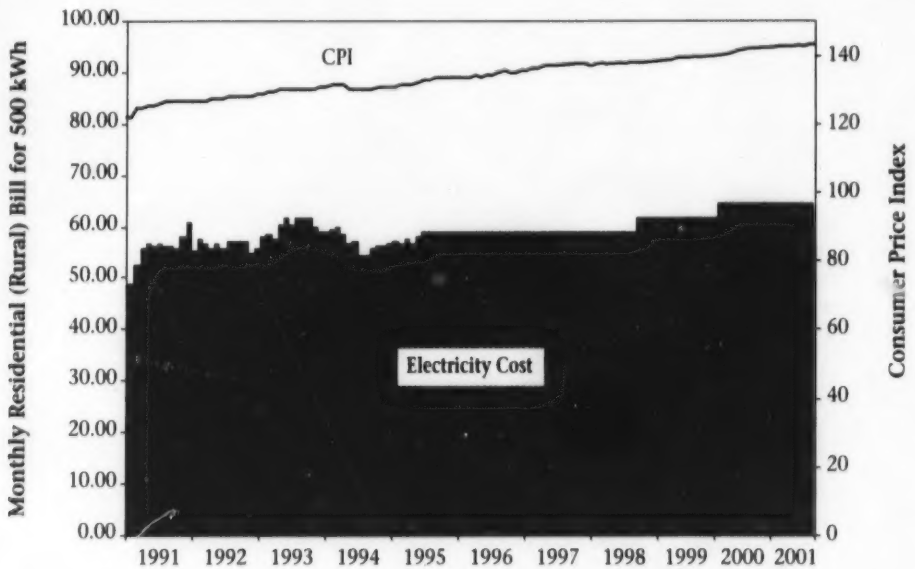


FIGURE 1

Electricity Costs Compared to the Consumer Price Index
January 1, 1991 - March 31, 2001



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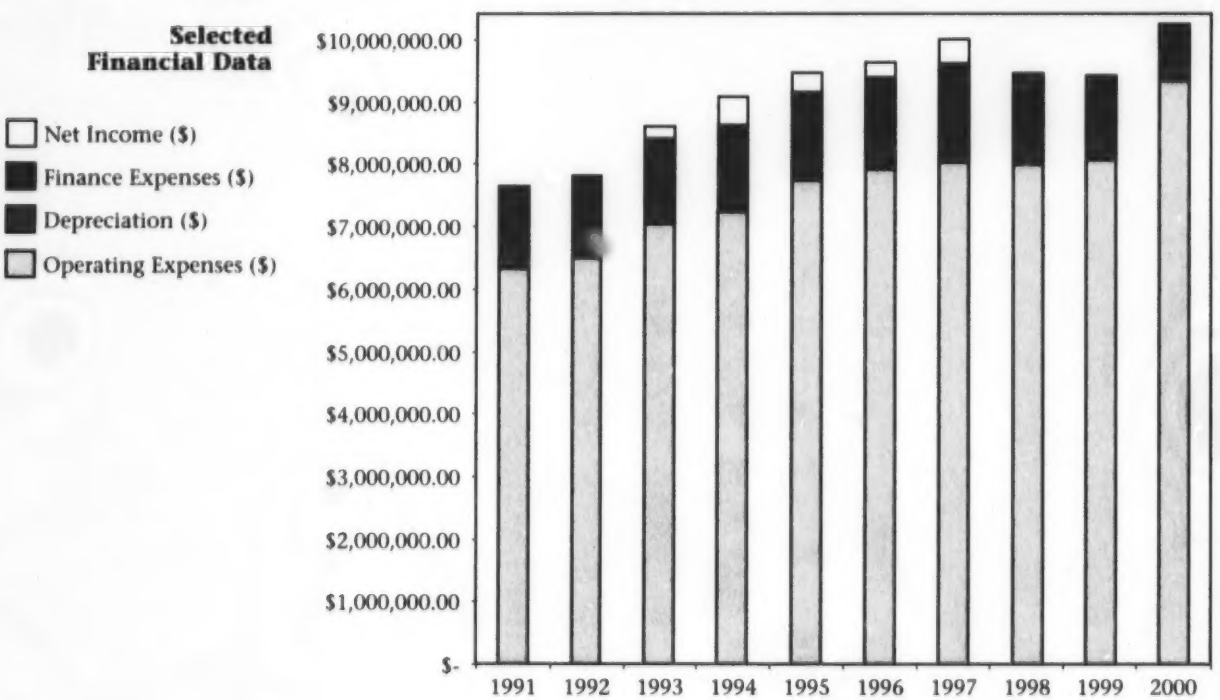
Selected Financial Data



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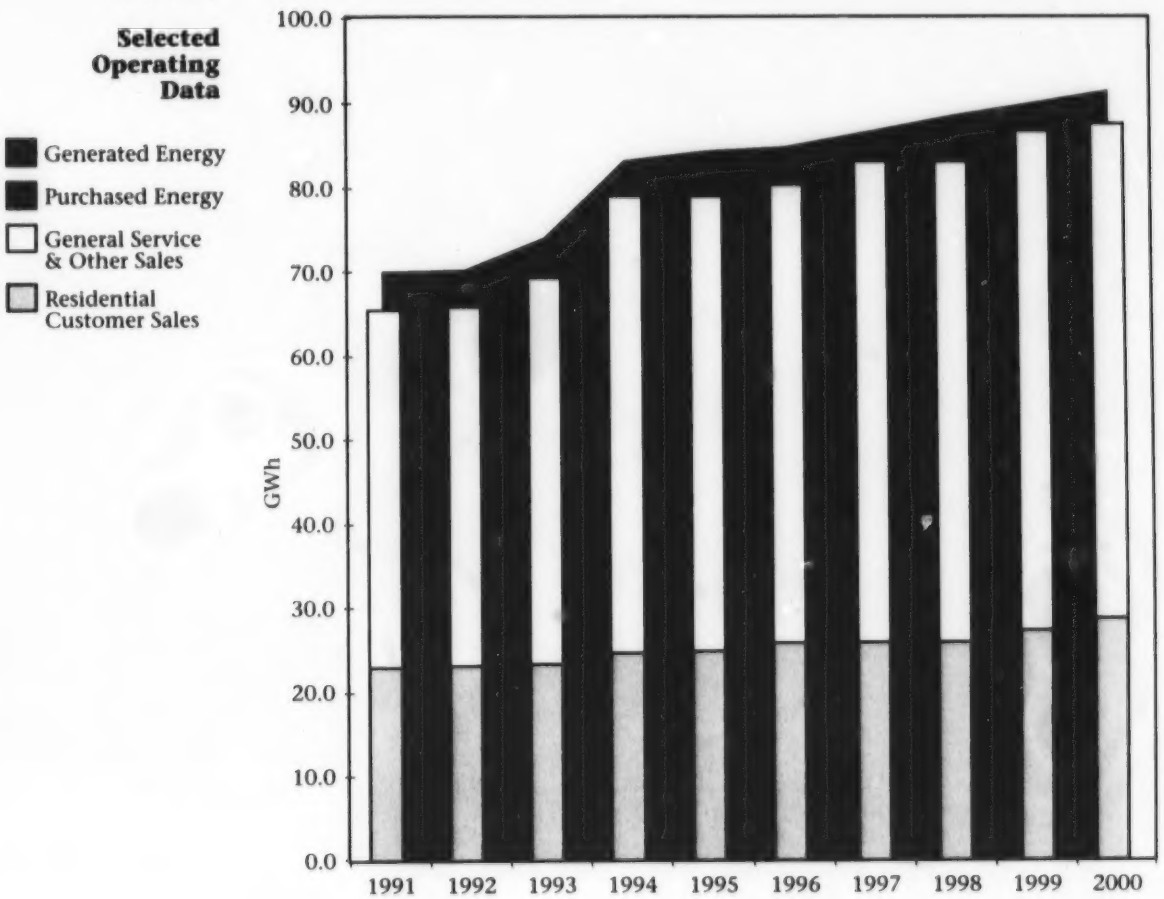
Selected Operating Data



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